



**GEORGIAN
YOUNG
LAWYERS'
ASSOCIATION**

THE CRIMINAL TRIAL MONITORING MANUAL

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This court monitoring methodology manual is intended for any entity, body, or practitioner involved in reforming the justice system, which is or plans to participate in trial monitoring.

The present document is based on GYLA's ten years of experience in the monitoring of criminal trials. GYLA has been monitoring criminal court proceedings since 2011 and all this time it has been the first and only organization in Georgia that observes the implementation of criminal justice in the country through pre-defined, quantitative, and qualitative indicators, and presents the monitoring results to the public.

The monitoring methodology has been developed and subsequently elaborated with the support of the USAID Judicial Independence and Legal Empowerment Program (JILEP) and Promoting Rule of Law in Georgia (PROLoG) Activity implemented by the East-West Management Institute.

The document is based on **GYLA's fourteen criminal** trial monitoring reports and two special reports prepared during these ten years. It analyzes the legal framework for monitoring, the principles of openness and transparency as well as a fair trial, on the basis of which, stakeholders, other than those involved in litigations, can have the opportunity to attend and observe trials.

The document also outlines the basic principles for developing questionnaires for a monitoring project, the specifics of observing criminal trials, restrictions associated with the monitoring, the activities of court monitors, and the process of elaborating and advocating monitoring reports.

An important tool offered in this reference document is to scrutinize and study the characteristics of various stages of the criminal proceeding, in particular, the first appearance hearing, pre-trial, plea agreement, main hearings, and to identify the aspects specific to each stage.

The paper also offers excerpts from the interviews with the persons conducting the court monitoring (court monitors), the results of the surveys¹ and their views on the monitoring process.

The Court Monitoring Manual covers the GYLA's court observation methodology and all important components of the monitoring project. The document describes the entire procedure for the successful identification of shortcomings in the justice administration process and the ways to tackle them, as well as the tools and instruments that ultimately contribute to the elaboration of a reliable trial monitoring report.

GYLA hopes that the experience shared in the document will help those interested in trial monitoring to develop an appropriate methodology for monitoring court proceedings.

THE IMPORTANCE OF COURT MONITORING

The smooth operation of the judicial system is one of the pivotal aspects of the country's development. The judiciary must function transparently, have a strong sense of social responsibility, and ensure the protection of human rights. The main purpose of court monitoring is to improve the quality of justice.

Court monitoring provides the public, the parties involved in litigations and especially the judiciary, the legislature and the executive, the media, international organizations, non-governmental and governmental organizations with comprehensive and impartial information about the judicial system in Georgia.

Trial monitoring is an important instrument to identify legislative and practical gaps in criminal justice and any possible avenues for improvement. The recommendations developed as a result of the identified shortcomings can change the attitudes of the participants to case proceedings for the better, the legal status of the accused, improve the legislation, and establish high standards for the protection of human rights. Court monitoring significantly facilitates informing the public about how effectively the right to a fair trial is being implemented in practice, which ultimately translates into the degree of trust in the judiciary.

LEGAL GROUNDS FOR CONDUCTING COURT MONITORING

One of the main legal grounds for the implementation of court monitoring is the requirement to **hold public and oral court hearings**.² This provision of the Criminal Procedure Code enables GYLA's monitors to attend randomly selected public hearings or those of particular interest for monitoring purposes. Adherence to the principle of publicity stipulated by domestic legislation and international instruments³ is important not only for the possibility of moni-

¹ Interviews and surveys were conducted with 11 (7 current and 4 former) monitors.

² Criminal Procedure Code of Georgia, Article 10.

³ Convention for the Protection of Human Rights and Fundamental Freedoms, Article 6.

toring but also for the legitimacy of decisions delivered by the court. Among other issues, the rules of attendance at court hearings and conduct in the courtroom are governed by the Organic Law of Georgia on Common Courts. A court monitor must be thoroughly familiar with both the above law and the Criminal Procedure Code.

DEVELOPMENT OF QUESTIONNAIRES, DESIGN, AND FOCUSING ON IMPORTANT CHALLENGES

A trial monitoring questionnaire is particularly important for the entire monitoring process, as it accumulates the results of real-time observations, which are then processed using contextual and qualitative indicators, ultimately enabling us to elaborate a comprehensive analytical document.

When planning to start monitoring, the initial task is to develop a well-designed questionnaire. The questionnaire should be tailored to the specific goals of monitoring. It should reflect legal requirements, and the questions posed in it should help to identify any challenges existing in criminal proceedings as a result of observing court trials.

In the course of monitoring court trials, GYLA's criminal court monitors utilize questionnaires prepared specifically for the monitoring project where they specify the information obtained as a result of observation of court proceedings. Each questionnaire, apart from "closed" questions requiring "yes" or "no" answers, also includes "open" questions that allow the monitors to describe and record the results of their observations in detail, to reflect in more depth on specific circumstances voiced in court. In addition to filling in the required fields of the questionnaire, there is an additional space provided at the end of the questionnaire where GYLA observers can make transcripts of court hearings and particularly important motions to further give the analyst more clarity and context to the observation of the trial.

GYLA has developed a questionnaire for each stage of the court proceeding: questionnaires for preventive measure hearings, pre-trial, plea agreement, merits hearing, jury selection, and jury merits, and appeal.

Each questionnaire contains standard questions relevant to a particular stage. The standard questions collect information about the date of the monitoring, the length of a court trial, the participants in the trial, the substance of the charges filed, etc. However, the questionnaires differ in terms of the specifics of a particular trial stage, for instance, a plea agreement questionnaire contains questions about the rights of a person to a plea agreement, such as: "Did the judge make sure that the plea agreement was not a result of coercion, intimidation or other promise to a defendant which exceeds the scope of the plea agreement?", "Did the judge make sure that the defendant fully acknowledged the crime to which he/she plead guilty?", "Did the judge make sure that the defendant fully acknowledged the possible sentence for the crime to which he/she plead guilty? "; etc (see Annex N4). The above issues are legally relevant only to the plea agreement and therefore they are not listed in the questionnaires for other stages.

All questionnaires must provide information about the accused, indicating the sex, age, education, nationality, religion, spoken language, sexual orientation, disabilities, political affiliation (if these details are disclosed at a public hearing).

The question concerning political affiliation provides an opportunity to further analyze whether a case is politically motivated or not.

The question about the gender of the accused gives information concerning a specific article, for example, about domestic violence, to identify representatives of which gender are offenders more frequently, etc.

In order to determine if there has been any discrimination or/or bias expressed by the court, the questionnaires contain a range of questions enabling the court monitor to check the relevant box and/or provide more detailed records.

For an illustration, please see an excerpt from the questionnaire:⁴

| | |
|---|--|
| 6.4. Did the judge make any comments about any of the parties that suggested negative assumptions about them based on any discriminatory characteristic (such as gender, ethnicity, sexuality, etc)? This includes phrases that could be perceived as sexist, racist or homophobic. | 6.4. Yes <input type="checkbox"/> No <input type="checkbox"/> |
| 6.4.1. If yes, what characteristic did the judge make a negative comment(s) about? | 6.4.1. Gender <input type="checkbox"/> Ethnicity <input type="checkbox"/> Nationality <input type="checkbox"/> Sexuality <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Other <input type="checkbox"/> |
| 6.4.2. If yes, please explain what the comment(s) were: | 6.4.2. |

The questionnaires are adapted to both domestic law and international conventions. For example, the Constitution of Georgia, the Criminal Procedure Code,⁵ and international conventions⁶ to which Georgia is a signatory stipulate that if a person does not have a good command of the language of the case proceeding, he or she shall have the right to enjoy the services of an interpreter at the expense of the state.

Please see an excerpt from the questionnaire:⁷

| | |
|--|--|
| 4.3. If required, was an interpreter provided? | Yes <input type="checkbox"/> No <input type="checkbox"/> Interpreter was not necessary <input type="checkbox"/> Other comments: 4.3.1. Whom was the interpreter needed for? <input type="checkbox"/> Defense <input type="checkbox"/> Victim Other participants of the process (specify in the comment) <input type="checkbox"/> Other comments: 4.3.2. If required, were the documents that were used in the court proceedings translated? Yes <input type="checkbox"/> No <input type="checkbox"/> Translation was not necessary <input type="checkbox"/> |
|--|--|

In order to identify thematically important issues, it is necessary to include specific elements in the questionnaires, for example, since the rights of persons with disabilities are a priority for GYLA, the questionnaires are also adjusted in this respect.

The following question can be found in the questionnaires⁸:

| | |
|--|---|
| 3.12. Did the judge clearly inform the accused of his/her rights, taking into account his/her characteristics (e.g. age, knowledge of the language, culture, or disabilities)? | Yes <input type="checkbox"/> No <input type="checkbox"/> Comments: |
|--|---|

⁴ See Annex №1.

⁵ Criminal Procedure Code of Georgia, Article 38(8).

⁶ Convention for the Protection of Human Rights and Fundamental Freedoms, Article 6(3).

⁷ See Annex №1.

⁸ See Annex №3.

In the event that any allegations of torture or ill-treatment are made during court trials, court monitors can check the appropriate boxes on the questionnaire, allowing us to identify such alleged facts. The questionnaires also contain questions that, in the absence of any direct reference to the aforementioned crime, allow monitors to record their observations and opinions with the help of the following questions: “Was there anything to suggest that threats were made to coerce the accused into confessing to the alleged crime?”, “Was there anything to suggest that violence or torture were used to coerce the accused into confessing to the alleged crime? ”, “Was there anything to suggest that there was any pressure put on any witness, which exploited them because they represented a protected group (e.g. sexual harassment, or public shaming)? ”, etc. (see Annex N3).

THE NECESSITY OF COVERING REGIONAL COURTS

A wide scope of monitoring, especially coverage of large cities, should be a priority for the monitoring organization in order to identify an overall picture in terms of the implementation of justice in the country, to observe if different courts have a uniform approach, and to identify the root causes of different approaches.

The main goal of GYLA’s criminal court monitoring is to assess the progress of the judicial process across the country. To achieve this goal, GYLA monitors observe court hearings at various intervals in Tbilisi, Kutaisi, Batumi, Zugdidi, Rustavi City Courts and Gori, Mtskheta, Telavi District Courts, as well as carry out field visits to Akhaltsikhe and Akhalkalaki District Courts.

The coverage of different courts allows us to better assess the extent to which equal opportunities are provided to defendants in courts of different cities or regions, or the approaches of the courts and Prosecutor’s Office to specific issues such as the identification of discrimination on various grounds. It should also be highlighted that sometimes not only the approaches of the courts but also the attitudes of the Prosecutor’s Office vary by the regions. One of the most striking differences identified during the monitoring was between the Tbilisi City Court and district courts in terms of hearing cases of domestic violence. Several district courts, in contrast to the Tbilisi City Court, showed a more loyal attitude to defendants charged with the above crime, in particular when imposing a restraining order or pronouncing a person guilty. Consequently, the wide range of monitoring helped us get a more complete and detailed picture than just the observation of Tbilisi courts.

PRIORITY CASES FOR MONITORING

GYLA monitors observe randomly selected trials. The observations of the cases reveal the main trends in the judiciary. For the purposes of the project, we are looking for cases that concern members (victims or accused) of vulnerable groups, persons with disabilities, women, ethnic, religious or other minorities, where various forms of discrimination are evident. The court monitors try to observe and follow these trials as closely as possible until the finalization of the proceedings and the sentencing.

Furthermore, in the course of court monitoring, GYLA pays special attention to:

- High-profile cases, including those with alleged political motives;
- Cases where there is a greater risk of violation of the rights and freedoms of individuals, e.g. when the accused mentions torture and/or ill-treatment;
- Crimes due to social hardship;
- With the onset of the pandemic, remote court hearings became a necessity, which required monitors to focus on new issues, including the technical problems during remote trials, the confidentiality of communication between a defence lawyer and a defendant, remote interrogation of witnesses, especially when they join the court hearing from police stations or penitentiary facilities, the risks of pressuring the witnesses, etc.

SPECIFICS OF OBSERVING EACH STAGE OF CRIMINAL PROCEEDINGS AND CHARACTERISTICS OF RESPECTIVE QUESTIONNAIRES

The first appearance court hearing

The questionnaire designed for the first appearance court hearing of the accused is the most informative, as numerous aspects voiced during the hearing capture the special attention of court monitors. The circumstances disclosed at the first appearance court hearing often serve as the basis for observing the subsequent stages of the criminal proceeding. During the given stage, GYLA monitors learn for the first time about the identity of the accused, the charges brought against him/her, the statements of the parties and the court's response to any facts of alleged ill-treatment, as well as a discriminatory motive identified into the criminal case, the victim safety-related issues and other important matters that might require having the monitors to observe all stages of the criminal proceedings in court.

At the first appearance hearings, for the purposes of monitoring, it is important to assess whether there are any grounds for the recusal of the court or the parties, whether the accused is informed about the above-mentioned grounds, if the accused is present at the hearing, whether he/she speaks the Georgian language, whether the accused needs an interpreter, if the defendant appears as a detainee before the court, whether the judge fully informs the accused of his/her rights, whether the judge fully informs the defendant of the charges brought against him/her and the possible type and extent of the sentence.

GYLA considers it important to have the accused clearly informed of all his/her rights, which is a prerequisite for the successful enjoyment of these rights. Therefore, the questions about the rights of the accused in the questionnaire are presented separately and assessed individually whether the court informs the accused of all rights.

At all stages of the court trial, including the first appearance hearing, GYLA monitors analyze whether appropriate conditions are provided for people with special needs.

Prior to discussing the issue of preventive measures at the first appearance court hearing, it is important to find out whether a person has appeared before the court as a detainee; in the case of a detained defendant, whether the court examined the lawfulness of the detention at a public hearing; whether or not the court inquired if the rights of the accused had been violated during the arrest.

Please see an excerpt from the questionnaire ⁹:

| 2. LEGALITY OF DETENTION | |
|---|---|
| 2.1. Was defendant brought before the court as a detainee? | Yes <input type="checkbox"/> No <input type="checkbox"/> 2.1.1. If yes, was the detention carried out with permission of the court or was it based on the ground of immediate necessity? Permission of the court <input type="checkbox"/> Immediate necessity <input type="checkbox"/> Unknown <input type="checkbox"/> 2.1.2. If it was done on the ground of immediate necessity, did the court recognize this as lawful? Court held it to be lawful <input type="checkbox"/> Court held it to be unlawful <input type="checkbox"/> Court did not consider this <input type="checkbox"/> Unknown <input type="checkbox"/> |

⁹ See Annex №1.

For the purpose of identifying possible cases of torture and ill-treatment, the preventive measure questionnaire contains the following mandatory sections¹⁰:

| 8. PROHIBITION AGAINST TORTURE AND RIGHTS DURING INTERROGATION | |
|--|---|
| 8.1. Did the defendant confess to the offense prior to the hearing? | Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> |
| 8.2. Was there anything to suggest that the accused was interrogated without a lawyer present? | Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> If so, please explain: |
| 8.3. Was there anything to suggest that threats were made to coerce the accused into confessing to the alleged crime? | Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> If so, please explain: |
| 8.4. Was there anything to suggest that violence or torture were used to coerce the accused into confessing to the alleged crime? | Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> If so, please explain: |
| 8.5. Was there anything to suggest that there was any pressure put on the defendant, which exploited them because they were of a protected group (e.g. sexual harassment, or public shaming) | Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> If so, please explain: |

In the part of reviewing the motions demanding a measure of restraint, it is important for GYLA’s monitoring to assess whether a restraining measure requested by the prosecution meets the goals and grounds of that specific preventive measure and the extent to which a specific measure selected by the court is substantiated. Accordingly, we analyze the compliance of the arguments provided during the oral reasoning by the judge with the law.

One of the goals of monitoring is to assess the degree of preparation of the parties involved in the proceeding and demonstration of proper qualification during the hearing, to identify the motive for the crime and, if necessary, to pay attention to the safety of the victim. Just like the other stages, one of the most important issues to observe at this stage is the judge’s impartiality and independence.

Monitor 1.¹¹ “During the first appearance court hearing, my mission is to observe whether the accused has any injuries that are invisible to the naked eye, whether there is a likelihood that the accused was subjected to any unlawful influence, violence, coercion, etc., as well as the attitude of the judge towards the accused. For example, if the accused has an injury, whether the court finds out what happened, when and under what circumstances he/she received the injury, and in general, whether the rights of the accused were violated; whether the judge inquires in detail about the circumstances of the arrest (i.e. if the judge examines the lawfulness of the detention), whether the accused was informed of his/her rights, how the events developed from the moment of the arrest up to the court trial of the defendant, whether the accused requested to be informed of his/her rights in plain terminology. After that, I watch how the judge communicates the rights to the defendant ... Then, I focus on the reasoning of the restraint measure requested by the prosecution and imposed by the court.”

¹⁰ Ibid.

¹¹ Numbering is for symbolic resolution and does not mean just 1,2 or 3 monitor views.

Monitor 2. “At the first court hearing, I primarily focus on how comprehensively the rights are explained to the accused, as well as how comprehensible the language used to communicate the grounds of the charge and the measure of restraint to the accused is and whether the judge becomes convinced that the defendant fully understands the content of the words spoken to him/her. I pay special attention to the substantiation of the motions demanding preventive measures, especially the reasoning part imposing detention, both from a factual and formal point of view, whether the prosecutor is using excessively abstract and theoretical arguments or is referring to the overturned conviction or already served sentence.”

The criminal cases in the course of which any circumstances interesting for the monitoring are disclosed during the first appearance hearing are followed up by monitors through the other stages of the case proceedings. This is due to the fact that the evidence is not examined at the initial court hearing. Monitoring of other stages of the proceeding allows us to study in detail the factual circumstances and legal basis of the criminal case.

Pre-trial court hearings

According to the law, at the pre-trial hearing more attention is paid to the evidence presented by the parties, motions submitted based on the evidence, opinions and arguments concerning the evidence, and summarizing decisions.

For monitoring purposes, the monitors analyze the motions submitted by the parties to the court, the opinions presented and the arguments put forward at the pre-trial hearing, the judge’s decisions to admit or reject the evidence, as well as the circumstances which the judge relies upon when referring the case for the merits. At the pre-trial stage, as at other stages, one of the main goals of monitoring is to assess the impartiality of the judge in determining the admissibility or inadmissibility of the evidence. Accordingly, the pre-trial questionnaire contains a section¹² that the court monitor can check to further elaborate on the judge’s bias.

| | |
|--|--|
| <p>4.4. Rulings on parties’ motions</p> | <p>4.4.1. Did the judge appear to treat the motions of one party differently than the other? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>4.4.2. If one party was treated more preferably than the other, which party was treated more preferably? Prosecution <input type="checkbox"/> Defence <input type="checkbox"/></p> <p>4.4.3. Please specify which motions were/were not treated differently, and give specific reasons for your conclusion:</p> <p>4.4.4. In cases where one party was treated more preferably than the other, was there any reason to think that this was due to discrimination, because one party had a protected characteristic (e.g. a certain gender, ethnicity, religion, sexuality) Yes <input type="checkbox"/> No <input type="checkbox"/> Please provide details: Ethnicity <input type="checkbox"/> Religion <input type="checkbox"/> gender <input type="checkbox"/> sexual orientation/identity <input type="checkbox"/> disability <input type="checkbox"/> Other <input type="checkbox"/></p> <p>Comments:</p> |
|--|--|

As per the adversarial principle, at this stage of the case proceeding we focus on whether the judge renders the evidence inadmissible on his/her own initiative, and at the following stages, we assess the consequences of violating the principle of adversariality, if any.

¹² See Annex №2.

Furthermore, at the pre-trial stage of the criminal proceedings, it is important to determine whether a search/seizure, in case of submission of a search and seizure protocol as the evidence, was carried out with the prior permission of the court or under urgent necessity and whether the court deemed it as lawful.

For the purposes of monitoring at the pre-trial hearing, it is also important to find out, in case of arrest, whether the detention imposed as a measure of restraint has been revised, whether the party submitted a relevant motion or the court itself reviewed the issue, the argument the parties presented in case of revising or not revising the detention, whether the court replaced the detention against the accused with another less severe restraining measure, and in the case of imposing detention, whether the court substantiated the decision or not.

The most important element of the pre-trial hearing is a decision to terminate the criminal prosecution or to refer the case for the merits. At this particular stage, GYLA's monitors are focusing on whether the evidence presented by the prosecution creates a high degree of probability to raise suspicions that it was the accused who committed the crime.¹³

Monitor 1. "At the pre-trial hearing, I pay attention to the admissibility of the evidence presented and the motions filed by the parties to the court. The judge's approach to deciding the issue of admissibility/inadmissibility is particularly important, whether the judge's decision is based on the requirements of the law and whether the judge demonstrates different approaches to the parties. When a preventive measure is revised, the opinions of the prosecution are to be considered, since in many cases they request to leave the already used preventive measure in effect merely on the grounds that no new circumstances have emerged. The attitude of the judge is also interesting to note in this respect. At this stage of the court proceeding, the judge must substantiate the sufficiency of the evidentiary standard to refer the case to the main hearing."

In the course of pre-trial monitoring, we learn about which evidence the judge deems admissible for consideration on the merits. This allows us to determine a monitoring strategy for examining specific evidence during the main hearing. As far as the evidence known to be admissible at the pre-trial hearing serves as the basis for a final verdict, we pay special attention to the information obtained from the examination of the specific evidence at the main hearing stage.

Plea agreements

Since a plea agreement is a form of expedited justice that is based on the agreement between the parties and rendering a judgment by the court without a main hearing of the case, the specifics of monitoring here also differ from other stages of the proceedings. Monitors observe the adherence to the formal requirements of the process: how well the rights associated with the plea agreement are protected, whether all procedures are conducted in accordance with the law, the contextual side of the case, whether parties or the court proposes substantiation. The monitors also pay attention to whether the victim's position is taken into consideration when negotiating a plea agreement and assess how lawful and fair the sentence set out in the plea agreement is. Furthermore, the monitors note down at what stage of the case proceedings a plea agreement is concluded. The GYLA's questionnaire includes special sections to assess the role of the judge in reaching a plea agreement.

¹³ Criminal Procedure Code, Article 219 (5).

| | |
|--|--|
| <p>6.2. What role did the judge play in obtaining a plea agreement?</p> | <p>The judge initiated the plea agreement <input type="checkbox"/></p> <p>The judge played an active role in reaching a plea agreement <input type="checkbox"/></p> <p>Please describe all the relevant circumstances:</p> <p>6.2.1. Was it the judge's initiative to postpone the hearing, in order to reach a plea agreement? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>6.2.2. Did the judge make any efforts to determine the appropriateness of the sentence? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Please be specific:</p> <p>6.2.3. Was there any dispute as to the fairness of the plea agreement? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>6.2.4. If yes, did the judge resolve and respond to the dispute? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Please be specific:</p> <p>6.2.5. Did judge make any comment in relation to the characteristics of the defendant or the victim (e.g. gender, ethnicity, sexuality)? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, please specify what this was:</p> |
|--|--|

Monitor 1. "During the hearings where the motion of the prosecution requesting a plea agreement is reviewed, first of all, I draw attention to the stage of the criminal process at which the motion is presented, whether the prosecution voices the factual circumstances of the case, how completely and comprehensibly the judge informs the accused of his/her rights related to a plea agreement, whether the judge becomes convinced that the answers provided by the accused are convincing and credible, whether there is any discussion at the hearing about the fairness of the sentence sought by the prosecution in the plea agreement, whether the judge approves the plea agreement and explains in a clear language to the accused the grounds and timeframes provided by law for appealing the plea agreement."

Monitor 2. "In the event of a plea agreement, I pay attention to whether the judge makes sure that there are no obstacles to the plea agreement and none of the unlawful forms of influence have been exerted on the accused. At the same time, it is important that the defendant be asked questions in a language he/she understands and not in a direct citation of the law. It should also be underlined in respect of which type of crime a plea agreement is concluded and the extent of the sentence, whether the parties and the court take into account the position of the victim, as well as the issue of compensation for damage."

¹⁴ See Annex №4.

Monitor 3. “At the stage of the plea agreement hearing, it is crucial to observe, among other things, how clearly and accurately the accused expresses his/her legal willingness to enter into an agreement and how well the defendant understands the substance of the plea and the obligations that may be imposed on him/her (e.g. suspended sentence-related requirements).”

The majority of cases deliberated by the court are resolved by plea agreements,¹⁵ so the trends identified during the conclusion of plea agreements are important for monitoring. At this particular stage, in addition to the role of the court and the position of the accused, the subject of interest for the GYLA’s monitors is the approaches of the prosecution, which further reveals in relation to which crimes the Prosecutor’s Office uses the most lenient terms. Besides this, the role of the defence lawyer in the process deserves attention, whether he/she ensures the proper exercise of the right to a fair trial and whether the legal support provided by the lawyer to the accused is of high quality.

Hearing on the merits

The most important aspect around the merits hearing is the stage of substantive deliberation of the case because it is as a result of the main hearing that the verdict is finally announced and a number of important circumstances are disclosed. Unlike other stages, the hearing on the merits does not end with just one sitting. The monitoring of the main hearing collectively includes many components and monitors have to observe various matters. The court monitors must focus on the circumstances of the case, the charges brought, the opinions of the accused and the victim, the degree of preparation of the parties for the case proceeding, the procedure for examining the evidence (competitive and equal conditions for the parties). Furthermore, an important aspect at this stage is the verdict handed down by the judge, the substantiation offered, the type and extent of the sentence in the case of a conviction. It is also noteworthy whether the court deliberates the case at open and public sessions, whether the case is heard within reasonable timeframes, whether the hearings are delayed, and in the event of presenting motions - the arguments/substantiation offered by the initiators of the motion and the position of the other side; in the case of involvement of a translator, his/her qualification and proficiency, etc.

Monitor 1. “At the stage of the merits hearing, I focus on how effectively the parties ensure presenting witnesses and whether the latter facilitate the speedy administration of justice, whether the questions asked by the judge to the witnesses present at the trial are agreed in advance with the parties and how clarifying the content of the questions is; how strong the arguments put forward by the prosecution and the defence are, how often victims refuse to testify in domestic crime cases, how frequently defendants seek acquittal and in cases where the accused does not seek acquittal what statements he/she makes about the impending sentence, namely, whether he/she states that he/she will not be able to pay the fine due to his/her financial condition, whether the judge takes into account the argument of the accused, and the type and extent of the sentence that the judge determines.”

Monitor 2. “During the consideration of the case on the merits, I place the main emphasis on the procedure of questioning witnesses, namely, whether the judge acquires the role of a party by asking questions, arbitrarily diverting the party’s questions, whether the parties infringe on the rights of the witness to pursue their own procedural interests and if the judge responds to such cases adequately. Besides, an important factor in the main consideration of the case is the speed of administration of justice. In particular, whether the case proceeding is postponed on the ground that is not explicitly provided in the legislation or if it is, yet still there was a possibility to eliminate the problem by announcing a break without adjourning the session.

Another crucial aspect is the reasoning behind the decision - whether the judge offers at least a small explanation of what evidence he/she relied upon or why he/she considered a specific sentence to be the most appropriate measure.”

The stage of the merits hearing differs from other stages of the case proceeding since it provides us with the most information about the case. During the hearing on the merits, in most instances, several sessions are held, the factual circumstances of the case are presented and the monitors concentrate on the material side of the case as well as the procedural issues. Since this stage involves examination of evidence by the parties in an equal and adversarial procedure, we identify violations most frequently at this stage.

¹⁵ According to the basic statistics of the common courts, in 2016 the plea agreement verdicts were delivered – in 63% cases; In 2017 - 70%; In 2018 - 66%; In 2019 - 67%; In 2020, 63% of the cases reviewed by the court, available at: <http://www.supremecourt.ge/statistics/> [last viewed: 06.02.2021].

RESTRICTIONS ASSOCIATED WITH MONITORING

GYLA monitors are deprived of the opportunity to attend¹⁶ ongoing criminal proceedings against minors, and the following closed hearings in accordance with the law¹⁷ :

- where state secrets can be revealed;
- where, as requested by a party or at the initiative of the court, personal or commercial secrets will be discussed;
- where personal correspondences and messages are presented before the court hearing, unless a person in question agrees thereupon;
- where the interests of victims of sex crimes, trafficking in human beings or domestic crimes are protected;
- In order to protect the personal safety of a participant to the proceeding and/or his/her family member, as well as a close relative, or if a special measure of protection is applied with respect to a trial participant, which requires the closing of the court session.

A court hearing may be closed by the judge on the grounds of maintaining order in the courtroom. In such cases, the law envisages warning and expelling an offender from the courtroom, yet it does not allow a closed hearing to be observed by monitors who do not intend to disrupt the order, nor can they have any emotional attachment to the matters raised during the trial to such extent that their presence at the hearing can cause any irregularities. Thus, the court should try to adequately assess the risks and not seek to completely close the hearing, so as not to raise suspicions of deliberate disregard for the principle of publicity. Besides, the presiding judge is authorized not to allow into a court session a person who comes in an inappropriate appearance or state.¹⁸ If a person present at the hearing disrupts the trial, or disobeys an order of the presiding judge, or shows disrespect to the court, the presiding judge shall give him/her an oral warning and ask him/her to stop the inappropriate behaviour. If the disobedience persists despite the requests, the presiding judge shall issue an ordinance on the spot to impose a fine and/or expel the offender from the courtroom. If the expelled person continues to violate the order, the court bailiff shall, upon the instruction of the judge, remove the person from the courtroom. In addition, a fine in the amount of 50 to 500 GEL or imprisonment for up to 30 or 60 days may be imposed on the culprit.¹⁹

In the course of monitoring, GYLA monitors pay special attention to the **principle of a fair trial**, one of the characteristics of which is an independent, impartial judge who is guided by the law and internal convictions in the decision-making process. Admitting a monitor to a criminal hearing and ensuring that he/she is legally allowed to attend public hearings is also one of the criteria for evaluating the judicial system. Transparently conducted trials give rise to less suspicion in the public. The possibility of an external observer to make an assessment further strengthens the legitimacy of decisions delivered by the court. For the effective realization of the right to a fair trial, the observer must be physically present in the courtroom, since the publicity of monitoring reports requires to some extent the participation of the general public.

During the monitoring, we come across cases where the accused have information about the monitoring project from various sources, and the presence of the monitor in the courtroom is associated with additional guarantees that their rights will be protected. Nevertheless, sometimes different attitudes are expressed towards the monitors. In some cases, the accused and/or victims object to having an outsider person present at the trial. This is mainly due to unfamiliarity with the monitoring objectives and guarantees of the principle of confidentiality. In such cases, the court must explain to the accused that the right to attend a public hearing is enshrined in law and that the accused or another person may not have the right to staff the courtroom with persons of his/her choice and to demand that unwanted persons leave the courtroom.

At the very beginning of the monitoring, judges used to have little information about the court monitoring project. This incited the interest of certain judges in monitors. The judges tried to find out the goals and motives of the monitors attending the trials. Concerning the following stages, the GYLA's monitors note better cooperation from the court rather than negative experiences. This change was made possible thanks to the publicity of the annual reports of trial monitoring, the participation of judges in the discussions of the monitoring results and giving recommendations to other parties involved in the process too, rather than directing criticism only towards the judges.

¹⁶ Law of Georgia - Juvenile Justice Code, Article 29.

¹⁷ Criminal Procedure Code of Georgia, Article 182.

¹⁸ Ibid. Article 182, 10.

¹⁹ Criminal Procedure Code of Georgia, Article 85,1,6,7.

COURT MONITORS

Selection of monitors/their professional growth

All observers involved in the GYLA's monitoring project have a higher legal education and specific knowledge in the field of criminal law, so they can easily identify legal problems or violations during the court proceeding. GYLA does not set an age limit when selecting monitors. The minimum requirement is a degree in law or the status of a last-year student at a law school. The monitor shall have a comprehensive knowledge of criminal law, key human rights principles, and international standards of criminal law.

Important factors in selecting monitors are their impartiality and fairness, personal skills, flexibility, self-discipline, ability to critically analyze and proactively identify problems, as well as the ability to communicate effectively and work as a team. The monitor should be able to promptly and effectively identify cases relevant to the objectives of the GYLA monitoring, including those involving marginalized groups. Therefore, newly-hired monitors are thoroughly trained on both the objectives and principles of the monitoring project as well as filling out the questionnaires.

When selecting monitors, we always pay great attention to their critical thinking skills. The goal of our monitoring is to assess the justice system for its further development. We believe that adequate and well-reasoned criticism is a prerequisite for development, therefore, we demand a high standard of professionalism and ethical standards from the monitors.

The monitors can enjoy a flexible working schedule. Together with analysts of criminal law, they determine their working timetables²⁰ in such a manner as to be able to monitor on average 3-4 court hearings a day, and devote the rest of the time to work in the so-called "case bank."

Flexible working conditions allow the monitors to further develop and continue learning while in service. Most of them have passed the bar exam and have a lawyer's license.

GYLA's priority is to ensure the continuous professional growth of monitors and increase their qualifications. For these reasons the monitors periodically undergo trainings on important issues in the field of criminal law.

GYLA's experience largely demonstrates that flexible working conditions, interesting experience, and growth opportunities while working ensure retaining the monitors in the workplace. GYLA has monitors with an average of 2-4 years of experience who contribute to the preparation of high quality and expert-level analytical documents/reports.

Activities of court monitors

The activities of court monitors primarily include observing case proceedings directly in the courtroom (field visits) or, in some cases remotely, as dictated by the changes relating to the pandemic. The information collected as a result of observing the hearings is reflected by the monitors in questionnaires, which are finally accumulated in a unified database.

The professionalism of a court monitor means the ability to obtain information about those court hearings that might prove to be crucial for monitoring purposes.

Locating information about interesting court sessions

The ways the monitors obtain information about trials that might be important for the project vary. Information about high-profile cases often becomes available through the media. Besides, the majority of the courts publish information about hearings on the court's official website or on the board installed in the court halls. However, the information obtained is not always complete and sometimes court monitors have to contact court staff to get information about the trials.

For the purposes of the present document, during the interviews the monitors mentioned that information on court trials is mainly obtained by recording the date of the next hearing while attending a trial, as well as from respective court websites or special board installed in the courtroom, by contacting the panel of a specific judge and requesting information about the date of the hearing.

²⁰ Except for the days when they do not have the so-called "scheduled trials", the date and time of which the monitors are informed in advance.

Monitor 1. “I usually obtain information about the date and place of the hearing by communicating with an assistant to the judge or secretary of the session (if it is not published on the court website), and if the judge reviewing a case is unknown - by visiting/phoning the informational desk. On several occasions, I contacted our colleagues or monitors from other organizations to get the information.”

Monitor 2. “When I need to gain information about trials that are of interest to us, during the pandemic, I often visit the court website or check the timetables in courtrooms providing the schedule of hearings. Besides, I often phone the hotline of a specific court to learn about the details of an interesting trial (I contact the court office, an assistant to the judge).”

Impartiality of monitors

During the monitoring, GYLA pays special attention to the extent to which the right to a fair and transparent trial is ensured by an independent and impartial judiciary in the country. GYLA imposes particularly high demands on the independence and impartiality of monitors who have to observe court proceedings. A prerequisite for objective and impartial monitoring is a qualified monitor who is not influenced by the opinions of other persons and has the ability to independently draw conclusions based on the gathered facts and information. When selecting monitors, GYLA also stresses good faith. Since the monitors are lawyers in a small country, they often have collegial or even friendly relations with the participants to the proceedings at various stages of the trial, which creates a risk that a monitor may subjectively analyze an opinion of a lawyer, prosecutor or judge. The good faith and highly qualified attitude of monitors towards the case are manifested in the fact that in the process of monitoring they are devoid of external influences and personal sympathies. The closed-ended questions inserted in the questionnaires help them convey the information accurately. It is this information provided by the monitors in the questionnaire in the monitoring process that is crucial for the analysis, while the personal opinion and observations of the monitors are additional components that complement the questionnaire.

One of the main requirements for monitors is to assess the evidence presented against the accused prior to sentencing while keeping in mind the presumption of innocence. It is therefore difficult for the monitor to ward off certain suppositions about the guilt or innocence of the accused after passing through various stages of the criminal case proceedings and examining and observing a part of the evidence. GYLA’s monitors are well aware that an accused is considered innocent until a guilty verdict against him/her enters into legal force.

In addition, the monitoring methodology, the questionnaires, and often the participation of different monitors at the various stages of the criminal proceeding, enable us to obtain unbiased information about the actual circumstances and legal basis of the case.

Monitor 1. “A monitor must have the appropriate expertise. In the monitoring process, it is extremely important to adhere to the principle of impartiality as the monitor is an objective evaluator whose goal is not to support any of the parties but to identify and reflect on the shortcomings of the trial.”

Monitor 2. “... Just as the judge is obliged to deliberate over the case objectively and not to show bias towards any party, so is the trial monitor required to reflect the facts as impartially as possible and to provide an appropriate analysis ...”

Monitor 3. “The key principle for me is impartiality in the entire monitoring process, it is important to observe the process with an objective and unbiased eye, to thoroughly reflect and render the data obtained...”

Confidentiality

Confidentiality is one of the key guiding principles for GYLA’s monitoring. Although the GYLA monitors receive information about the issues discussed at a public hearing, for monitoring purposes it is important not to disclose any information containing personal data about a specific defendant, witness or trial participant to third parties. For GYLA, as well as for its monitors, the protection of the right to a private life of a person, guaranteed by the Consti-

tution²¹ and the Criminal Procedure Code,²² is one of the main foundations of a democratic state. In the process of selecting monitors, special attention is paid to the attitude of monitors towards personal data protection, whether they are aware of what personal data are, what moral or reputational damage can be inflicted upon a person by merely disseminating information disclosed during a public hearing.

Confidentiality also means that until an analytical document is drafted and presented to the general public, GYLA's monitors neither speak publicly about any violations and positive trends identified during court proceedings nor give interviews or discuss any matters with specific individuals involved in specific cases.

Independence of the judiciary and non-interference in the case proceeding

The judge is independent in his/her activities and obeys only the Constitution and the law. Any influence on a judge or interference in his/her activities in order to have an impact on the decision-making is prohibited and punishable by law. No one has the right to demand an account from the judge concerning a particular case. All actions restricting the independence of a judge shall be deemed void.²³ The judge shall assess the factual circumstances and make decisions only in accordance with the Constitution of Georgia, universally recognized principles and norms of international law, other laws, and on the basis of his or her internal conviction.²⁴ Any government or local self-government body, agency, public or political association, official, legal or natural person shall be prohibited from encroaching upon the independence of the judiciary.²⁵

The GYLA monitors are well acquainted with the above legislative acts and the international standards that guarantee the independence of the judiciary. Prior to starting the monitoring, they are instructed on the methods of identifying and assessing the facts of non-interference or interference in the activities of the court, they learn about the standards of conduct in court. This knowledge helps them avoid liability for any contempt of court or other inconvenience.²⁶

The goal of the GYLA monitors is to observe whether the guarantees provided in the law concerning the non-interference in the activities of the court are implemented in practice. In particular, at all stages of the proceedings, GYLA monitors focus on the degree of independence of the judiciary, whether the parties refer to any grounds provided in the law for the recusal of a judge and/or any circumstances calling into question the impartiality of the judiciary, and whether the judge's conduct casts doubt on his/her independence, whether the judge is influenced by public opinion into the cases where there is high public interest.

It is important to identify whether the judge assesses factual circumstances and delivers judgments in accordance with the Constitution of Georgia, universally recognized principles, standards, and his or her inner convictions or is influenced by anyone else. One of the important aspects of the proper application of the legislation is the cases when there are sufficient grounds for declaring a law or other normative acts referred to by the judge to be fully or partially incompatible with the Constitution of Georgia. In such cases, it is curious whether or not the judge halts the hearing of the case and applies to the Constitutional Court of Georgia.

Enforcement of the guarantees prescribed in the law for non-interference in the activities of the judiciary ensures the independence of the judge. A competent, independent and impartial judiciary is the key to a better justice system.

Periodic meetings and instructions of monitors

Monitors communicate with project analysts and other monitors on daily basis to ensure that the monitoring process is well-organized and coordinated. The monitors receive periodic instructions from project lawyers/analysts. Working meetings are held at least once every two weeks, where monitors present reports on trials, discuss legal matters. Cases that require observations, which are characterized by gross violations of human rights and/or meet thematically and methodologically the goals of the monitoring are selected. The selected cases are observed and attended by monitors until the finalization of the proceedings. Each monitor has a list of scheduled trials.

²¹ Constitution of Georgia, Article 15.

²² Criminal Procedure Code of Georgia, Article 4.

²³ Constitution of Georgia, Article 63(1).

²⁴ The Organic Law of Georgia on Common Courts, Article 7 (1).

²⁵ Ibid. Article 8 (1).

²⁶ Ibid. Article 9.

ANALYZING THE OBTAINED INFORMATION AND PREPARING THE REPORTS

Monitoring of the judiciary and participation of the civil society organizations in the judicial system facilitates the identification and analysis of existing legislative and practical gaps to create a better justice system and prepare recommendations for resolving problems.

Any information obtained by monitors and the compliance of the court activities with the international standards, the Constitution of Georgia, and the applicable domestic legislation is evaluated by analysts.

The GYLA's analysts study and analyze the questionnaires submitted to the monitoring database. The information collected about each case undergoes legal scrutiny to determine its compliance with the legislation.

Reports are prepared according to the reporting periods, which comprise a period of six months or one year. In order to capture a broader picture, based on the GYLA's experience, it is advisable to prepare reports for one year period to effectively identify the dynamics of changes from year to year.

The prepared annual reports also reveal the need for thematic elaboration of certain issues or more in-depth research. For example, in 2017, GYLA prepared the tenth thematic report "Domestic violence, domestic crime and violence against women,"²⁷ in 2020, the report "Preventive measures usage standards",²⁸ and again in 2020, a special report "The court during the pandemic."²⁹

The main source of research/reports prepared by analysts is the information obtained through court monitoring. However, as the court monitoring is characterized by its specificity, which means that sometimes case files are not accessible, specific details of cases cannot be disclosed, public information acquires an important complementary and verifying function. The requested information can verify and confirm the results of the court monitoring. For example, GYLA's assessment concerning searches and seizures conducted under urgency, where the organization noted in its several reports that the court almost in all cases approves the motions for searches and seizures carried out without a court ruling³⁰ has been confirmed by retrieved public information and provided by courts.

Some representatives of the court or prosecution point out that in some cases specific details may not be disclosed at a court trial, yet the same is recorded in the case files and/or court judgments, and this is where requesting information plays an important role in verifying the matter. As a result of studying and processing court decisions, GYLA can further assess how well court judgments are substantiated.

DEVELOPING RELEVANT RECOMMENDATIONS TO TACKLE IDENTIFIED PROBLEMS

GYLA presents a written draft of the monitoring document to the court, the Prosecutor's Office, the Bar Association, the High Council of Justice, and other stakeholders, and asks them to provide comments and opinions to ensure that the document fully reflects all possible details.

Court monitoring reports offer recommendations for all bodies involved in the implementation of justice: the courts of general jurisdiction, the Prosecutor General's Office, the Ministry of Internal Affairs, the Bar Association, the High Council of Justice, the legislative bodies, etc.

GYLA calls on various actors participating in the process to rectify the shortcomings existent in practice, and the organization permanently prepares recommendations for the Parliament proposing relevant legislative amendments. The elaboration of reports and respective recommendations serves a mission to improve the fairness of the process.

Presenting and advocating identified results to the public and all actors involved in the administration of justice

GYLA ensures that all prepared reports are presented to the public and are accessible to all interested parties. After presenting the key findings of the reports and relevant recommendations, a certain amount of time is devoted to discussions, during which the bodies involved in case proceedings present their viewpoints on the issues raised in the report. Their views contribute to further improvement and refinement of the court monitoring project. Apart from presenting the results to all those involved in the administration of justice, it is also important to make monitoring reports accessible to the general public, including non-governmental organizations, students and anyone interested in ongoing processes in the justice system. To this end, the GYLA would often organize meetings with students to share key findings with them. The presentations of the reports were held outside of Tbilisi, especially

²⁷ GYLA Criminal Court Monitoring Report N10 (2017), available at: <https://bit.ly/3zdXOL1>.

²⁸ GYLA's research "Preventive Measures Usage Standards" (2020), available at: <https://bit.ly/3v2Z80a>.

²⁹ GYLA Special Report "The Court during the Pandemic" (2020), available at: <https://bit.ly/3acAnb3>.

³⁰ Which the organization was referring to based on the information obtained from the pre-trial hearings.

in the regions whose courts were covered during the monitoring. During the Covid-19 pandemic, the reports were presented and discussed online. The reports are published by the organization on its official website.

LEGISLATIVE CHANGES DURING THE MONITORING

Court monitoring is evolving along with the development of legislation and other important events. GYLA has been monitoring criminal trials since 2011. During the period, a number of amendments were introduced to the legislation, which necessitated certain alterations in the methodology of the court observation procedure. For example, at the outset of the monitoring, the discriminative motivations on gender and other grounds were hardly ever identified. In 2014, with the adoption of the Law on the Elimination of All Forms of Discrimination, the attitudes of the prosecution and the court, as well as the public, towards crimes committed on discriminatory grounds changed over time. Back in 2011, the criminal law of Georgia did not recognize domestic violence as a separate crime, and since June 2012,³¹ the identification of this crime has become a priority and the state's response has improved, which is why the crime takes one of the leading places in the statistics. At the initial stage of the monitoring, the legislation did not envisage a mandatory mechanism for periodic revision of imprisonment once every two months; therefore, there was no need to monitor how well this aspect was enforced. Just like the court deliberations, monitoring of criminal trials is a live and evolving process that naturally requires some alterations into the methodology of observation and approximation to existing legislative or practical challenges and requirements.

Until the spring of 2020, the GYLA's monitors did not have experience of participating in court hearings remotely. However, as the changes caused by the COVID-19 pandemic posed new challenges, the court and the parties involved in the proceedings had to adopt. Participation of the parties and the court in a case hearing remotely was associated with a number of technical issues often leading to delays and postponements of hearings. Initially, the courts, referring to technical issues, avoided allowing the monitors to remote trials. GYLA advocated against this and GYLA monitors at this stage observe remote hearings as effectively as ongoing trials in the courtroom.

The emergence of new legal issues in the monitoring process or the difficulties and challenges related to the trial, as well as tackling them, further enhances the capacity of the trial monitoring team and inspires them to continue with the observation of the justice system according to the challenges and even further improve the quality of monitoring.

CONCLUSION

During the monitoring of criminal case proceedings, GYLA, along with the annual reports, published a number of special reports/studies,³² mainly focusing on specific challenges in the field of justice and ways to address them. Furthermore, the organization published a four-year criminal trial monitoring report,³³ which discusses current changes and challenges in legislation and practice.

As a result of ten-year observation of trials, we can confidently say that an unmonitored trial will always mean a risk of leaving a person alone in front of the justice system and improper protection of his/her rights. We believe that the monitoring of court trials provides us, an organization working for the protection of human rights, with an opportunity to propose concrete, evidence-based steps to improve the existing legislation.

Monitoring of criminal trials provides citizens with more guarantees for the protection of their rights, offers the public information on the state of criminal justice, and makes lawyers, prosecutors and judges reflect more on their decisions, since the fact that they are an object of public interest pushes them to be more focused on implementing and strengthening justice, human rights and the rule of law in the legal process. The court monitoring also equips the legislators or other decision-makers with detailed information on the state of criminal justice in the country.

³¹ The Law of Georgia on Amendments to the Criminal Code of Georgia, available at: <https://matsne.gov.ge/ka/document/view/1683968?publication=0>.

³² "Cases of Domestic Violence, Domestic Crime and Violence against Women" - Monitoring Report N10 (2017), available at: <https://bit.ly/3zdXOL1>; GYLA's research "Preventive measures usage standards," (2020), available at: <https://bit.ly/3v2Z80a>; GYLA Special Report "The Court during the Pandemic" (2020), available at: <https://bit.ly/3acAnb3>.

³³ GYLA's Report "Results of the Main Trends and Challenges Identified through Four-Year Monitoring of Criminal Trials," (2021), available at: <https://bit.ly/3puKy0l>.

PREVENTATIVE MEASURES CHECKLIST

| 1. GENERAL INFORMATION | |
|-------------------------|---|
| 1.1 Date of Monitoring: | Duration of process: |
| 1.2 Court Monitor: | Female: <input type="checkbox"/> Male: <input type="checkbox"/> |
| 1.3 Court: | |
| 1.4 Judge: | Female: <input type="checkbox"/> Male: <input type="checkbox"/> |
| 1.5 Prosecutor: | Female: <input type="checkbox"/> Male: <input type="checkbox"/> |
| 1.6 Defendant: | <p>Name:</p> <p>Age: Adult: <input type="checkbox"/> Juvenile: <input type="checkbox"/></p> <p>Education: Incomplete Secondary Education <input type="checkbox"/> Secondary Education <input type="checkbox"/> Higher Education <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>Was the defendant present: Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Nationality:</p> <p style="padding-left: 20px;">Georgian: <input type="checkbox"/> Azeri: <input type="checkbox"/> Armenian: <input type="checkbox"/> Turkish: <input type="checkbox"/></p> <p style="padding-left: 20px;">Other: <input type="checkbox"/> - please specify:</p> <p>Religion:</p> <p style="padding-left: 20px;">Christian: <input type="checkbox"/> Muslim: <input type="checkbox"/> Atheist: <input type="checkbox"/> Agnostic: <input type="checkbox"/> Other: <input type="checkbox"/></p> <p>Unknown: <input type="checkbox"/></p> <p>Ethnicity:</p> <p style="padding-left: 20px;">Abkhazian: <input type="checkbox"/> Armenian: <input type="checkbox"/> Azeri: <input type="checkbox"/> Georgian: <input type="checkbox"/> Greek: <input type="checkbox"/> Kist: <input type="checkbox"/></p> <p style="padding-left: 20px;">Ossetian: <input type="checkbox"/> Turkish: <input type="checkbox"/> Roma: <input type="checkbox"/> Russian: <input type="checkbox"/> Ukrainian: <input type="checkbox"/> Yazidi: <input type="checkbox"/></p> <p style="padding-left: 20px;">Other: <input type="checkbox"/> - please specify:</p> <p>Unknown: <input type="checkbox"/></p> <p>Language:</p> <p style="padding-left: 20px;">Azeri: <input type="checkbox"/> Armenian: <input type="checkbox"/> Georgian: <input type="checkbox"/> Russian: <input type="checkbox"/> Turkish: <input type="checkbox"/></p> <p style="padding-left: 20px;">Other: <input type="checkbox"/> - please specify</p> <p>Sexual Orientation: Heterosexual: <input type="checkbox"/> Homosexual: <input type="checkbox"/> Bisexual: <input type="checkbox"/> Unknown: <input type="checkbox"/></p> <p>Disabilities: Yes: <input type="checkbox"/> None: <input type="checkbox"/></p> <p style="padding-left: 40px;">If yes, please specify: Psycho-social: <input type="checkbox"/> physical: <input type="checkbox"/></p> |
| 1.7 Defense counsel | <p>1.7 Was defense counsel present? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>1.7.1 Female: <input type="checkbox"/> Male: <input type="checkbox"/></p> <p>1.7.2. Appointed by the state? Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>1.7.3. Required because of article charged? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>1.7.4 Private defense counsel? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>1.7.5 Is the defendant represented by multiple defense counsels?</p> |

| | |
|--|---|
| | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>1.7.6 Does any defense counsel represent more than one defendant?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>1.7.7 If yes, is there any conflict of interests between two or more defendants, represented by the same defense counsel? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Other comments:</p> |
| 1.8 Code article(s) involved | |
| 1.9 Charge: | <p>Less grave crime <input type="checkbox"/> Grave crime <input type="checkbox"/> Especially grave crime <input type="checkbox"/></p> <p>Gender related crime <input type="checkbox"/> Discrimination related crime <input type="checkbox"/></p> <p>Specify:</p> |
| 1.10 Political affiliation of defendant | <p>United National Movement <input type="checkbox"/> Georgian Dream <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>Other comments:</p> |
| 1.11 Number and sex of defendants | <p>Total:</p> <p>Male:</p> <p>Female:</p> |

| 2. LEGALITY OF DETENTION | |
|---|--|
| 2.1. Was defendant brought before the court as a detainee? | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>2.1.1 If yes, was the detention carried out with permission of the court or was it based on the ground of immediate necessity?</p> <p>Permission of the court <input type="checkbox"/> Immediate necessity <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>2.1.2 If it was done on the ground of immediate necessity, did the court recognize this as lawful?</p> <p>Court held it to be lawful <input type="checkbox"/> Court held it to be unlawful <input type="checkbox"/> Court did not consider this <input type="checkbox"/> Unknown <input type="checkbox"/></p> |

| 3. RIGHT TO A PUBLIC HEARING | |
|--|---|
| 3.1 Was a notice of the hearing posted outside the courtroom? | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Other comments:</p> |
| 3.2 Closed hearing | <p>3.2 Was the hearing closed? Yes <input type="checkbox"/></p> <p>3.2.1 How did the monitor learn that the hearing was closed?</p> <p>The judge made an announcement: <input type="checkbox"/></p> <p>It was indicated by the court guard: <input type="checkbox"/></p> <p>It was indicated by one of the parties <input type="checkbox"/></p> |

| | |
|---|--|
| | <p>Other <input type="checkbox"/></p> <p>3.2.2 Please indicate the reason for closing the hearing :</p> <p>The protection of professional data; professional or commercial secret <input type="checkbox"/>; The protection of juveniles' interests <input type="checkbox"/>; The protection of the security of a party, or family member (close relative) <input type="checkbox"/>; The implementation of a special measure of protection on a party of the court <input type="checkbox"/>; The protection of the interests of a victim of sexual violence <input type="checkbox"/>; The protection of the interests of a victim of human trafficking <input type="checkbox"/>; The protection of the interests of a victim of family violence <input type="checkbox"/>; Protection of private conversation and messages during the court hearing <input type="checkbox"/> Other <input type="checkbox"/>: Unknown <input type="checkbox"/>:</p> <p>Comment:</p> <p>3.2.3. If the hearing was closed, which side requested this? <input type="checkbox"/> Prosecution <input type="checkbox"/> Defence <input type="checkbox"/> Judge's own initiative</p> <p>3.2. 4 Did the opposite side oppose the motion? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> |
| <p>3.3 Did the Judge announce the case to be heard?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Other comments:</p> |
| <p>3.4 Did the Judge speak clearly and loudly enough for the public to hear?</p> | <p>3.4 Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>3.4.1 If no, did anyone mention the inability to hear or understand the judge? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Other comments:</p> |
| <p>3.5 Was it possible for everybody to attend the hearing ?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Other comments:</p> |

| 4. EXPLANATION OF RIGHTS | |
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| <p>4.1 Did the Judge state the charge(s) (articles, range and type of possible sentence for the charges filed)?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> |
| <p>4.2 Did the Judge/secretary state the parties involved?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Other comments:</p> |
| <p>4.3 If required, was an interpreter provided?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/> Interpreter was not necessary <input type="checkbox"/></p> <p>Other comments:</p> <p>4.3.1 Whom was the interpreter needed for? <input type="checkbox"/> Defense <input type="checkbox"/> Victim Other participants of the process (specify in the comment) <input type="checkbox"/></p> <p>Other comments:</p> <p>4.3.2 If required, were the documents that were used in the court proceedings translated?</p> |

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| | Yes <input type="checkbox"/> No <input type="checkbox"/> Translation was not necessary <input type="checkbox"/> |
| 4.4 If required, were provisions made for disabilities? | Yes <input type="checkbox"/> No <input type="checkbox"/> Was not necessary <input type="checkbox"/> 4.5.1 If yes, was this for: Hearing <input type="checkbox"/> Vision <input type="checkbox"/> Other <input type="checkbox"/> Other comments: |
| 4.5 Did the Judge inform the defendant about his/her right to legal representation, and explain what this meant? | Yes <input type="checkbox"/> No <input type="checkbox"/> Other comments: |
| 4.6 Did the Judge inform the defendant about his/her right to self-defense, and explain what this meant? | Yes <input type="checkbox"/> No <input type="checkbox"/> Other comments: |
| 4.7 Did the Judge inform the defendant about his/her right to recuse the judge, and explain what this meant? | Yes <input type="checkbox"/> No <input type="checkbox"/> Other comments: |
| 4.8 Did the judge inform and explain to the defendant the right to file a complaint (suit) in cases of ill-treatment? | Yes <input type="checkbox"/> No <input type="checkbox"/> Other comments: |
| 4.9 Did the Judge ask the defendant whether he/she had any complaint for violation of his/her rights? | Yes <input type="checkbox"/> No <input type="checkbox"/> 4.9.1 If the defendant has any complaint, please indicate the complaint and reaction of the judge: |
| 4.10 Did the Judge inform the defendant that, notwithstanding his/her confession, he/she is not bound by that confession and has the right to remain silent? | Yes <input type="checkbox"/> No <input type="checkbox"/> Other comments: |
| 4.11 Did the judge comprehensively explain to the accused his/her rights? | 4.11.1 Yes <input type="checkbox"/> No <input type="checkbox"/> Comments: |
| 4.12 Were the explanations given clear, taking into account the defendant's characteristics (e.g. age, language skills, culture, or the existence of a disability)? | Yes <input type="checkbox"/> No <input type="checkbox"/> comments: |

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| | <p>5.3.5: Probability of hindering investigation</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, please indicate relevant arguments and information:</p> |
| | <p>5.3.6: Reasons for avoiding hearing</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, please indicate relevant arguments and information:</p> |
| | <p>5.3.7: Cooperation with investigation</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, please indicate relevant arguments and information:</p> |
| | <p>5.3.8: Other (Did the Prosecutor refer to a motive for committing a crime?)</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Give an example of the motive the Prosecutor emphasized on:</p> <p>If yes, please indicate relevant arguments and information:</p> |
| | <p>5.3.9 Was the safety of the victim was ever mentioned?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Comment:</p> |
| <p>5.4 The position and arguments of the defense, concerning the prosecution's motions</p> | <p>5.4.1. Did the defense contest the proposed preventative measure</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Comment:</p> <p>5.4.2 Did the defence contest the justification of the prosecution / the court?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>5.4.3 The defense did not object to either the proposed preventive measure or the presented substantiation</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> |

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| | Comment: |
| 5.5 Did the judge state the reason for not imposing a less strict preventive measure? | Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please indicate relevant arguments and information: |
| 5.6 Did the judge ask any questions to parties concerning the preventive measure or motion? | Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, what information did they request? <input type="checkbox"/> Income/assets; <input type="checkbox"/> Ability to pay; <input type="checkbox"/> Care-giving responsibilities; <input type="checkbox"/> Primary provider; <input type="checkbox"/> Other: Comment: |

| 6. INDEPENDENCE, IMPARTIALITY, BIAS, AND CONDUCT OF THE JUDGE | |
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| 6.1 Did the judge use intimidation or take any other informal action against any of the parties? (e.g. switching off their microphone, or altering the transcript) | Yes <input type="checkbox"/> No <input type="checkbox"/> 6.1.1 If yes, please explain what: |
| 6.2 Did the judge give any instructions to either party? | Yes <input type="checkbox"/> No <input type="checkbox"/> 6.2.1 If yes, to which party? Prosecution <input type="checkbox"/> Defense <input type="checkbox"/> Both <input type="checkbox"/> 6.2.2 If yes, please explain what the instructions were: |
| 6.3 Was there anything to indicate that the judge was not listening properly? | Yes <input type="checkbox"/> No <input type="checkbox"/> 6.3.1 If yes, please explain what: |
| 6.4 Did the judge make any comments about any of the parties, that suggested negative assumptions about them based on any discriminatory characteristic (such as gender, ethnicity, sexuality, etc)? This includes phrases that could be perceived as sexist, racist or homophobic. | Yes <input type="checkbox"/> No <input type="checkbox"/> 6.4.1 If yes, what characteristic did the judge make a negative comment(s) about? Gender <input type="checkbox"/> Ethnicity <input type="checkbox"/> Nationality <input type="checkbox"/> Sexuality <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Other <input type="checkbox"/> 6.4.2 If yes, please explain what the comment(s) were: |

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| <p>6.5 Other than anything noted above, was there anything to suggest that the judge was biased?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>6.5.1 If yes, please explain:</p> <p>6.5.2 If the judge had an interest in the case, what was it?</p> <p>Familial <input type="checkbox"/> Political <input type="checkbox"/> Financial <input type="checkbox"/> Other <input type="checkbox"/></p> <p>Comment:</p> |
| <p>6.6 Was there a request for recusal by either party?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>6.6.1 If yes, by which party?</p> <p>Prosecution <input type="checkbox"/> Defense <input type="checkbox"/> Both <input type="checkbox"/></p> <p>6.6.2 If yes, was the request granted?</p> |
| <p>6.7 Did a judge withdraw from a case by recusing himself/herself when this was necessary due to bias or a perception of bias?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> |

| <p>7. OTHER</p> | |
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| <p>7.1 Absence of defense counsel</p> | <p>7.1.1 Was counsel for the defense present? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>7.1.2 If defense counsel was not present, did legislation require a lawyer's presence at this stage of the proceedings? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>7.1.3 If defense counsel was not present, and legislation did not require it, was a lawyer's presence nevertheless still necessary? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>7.1.4 If yes, please explain why:</p> |
| <p>7.2 Preparedness and quality of prosecution</p> | <p>7.2.1 Was the prosecution prepared? Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/></p> <p>7.2.2 Did the prosecutor state strong arguments? Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/></p> <p>Please support your opinion with specific examples:</p> <p>7.2.3 Did the prosecutor demonstrate knowledge of the facts of the case? Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/></p> <p>Please support your opinion with specific examples:</p> <p>7.2.4 Did the prosecutor demonstrate knowledge of the law involved in the case?</p> |

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| | <p>Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/></p> <p>Please support your opinion with specific examples:</p> <p>7.2.5 Did the prosecutor communicate and co-ordinate well with the victim? Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>Please support your opinion with specific examples:</p> |
| <p>7.3 Preparedness and quality of defense</p> | <p>7.3.1 Was the defense prepared? Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/></p> <p>7.3.2 Did the defense state strong arguments? Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/></p> <p>Please support your opinion with specific examples:</p> <p>7.2.3 Did counsel for the defense demonstrate knowledge the facts of the case? Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/></p> <p>Please support your opinion with specific examples:</p> <p>7.2.4 Did counsel for the defense demonstrate knowledge of the law involved in the case? Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/></p> <p>Please support your opinion with specific examples:</p> <p>7.2.5 Did counsel for the defense communicate and co-ordinate well with the defendant? Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>Please support your opinion with specific examples</p> |
| <p>7.4 Technical problems</p> | <p>7.4.1 Were there any technical problems during the hearing? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, please state the nature of technical problem: _____</p> <p>7.4.2 Did anyone mention the problem? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Comment:</p> <p>7.4.3 Please describe the judge's response:</p> <p>7.4.4 Was it possible for the disabled people to attend the court proceedings? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If so, please provide details</p> |

| <p>8. PROHIBITION AGAINST TORTURE AND RIGHTS DURING INTERROGATION</p> | |
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| <p>8.1 Did the defendant confess to the offense prior to the hearing?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/></p> |
| <p>8.2 Was there anything to suggest that the accused was interrogated without a</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>If yes, please explain:</p> |

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| lawyer present? | |
| 8.3 Was there anything to suggest that threats were made to coerce the accused into confessing to the alleged crime? | Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> If yes, please explain: |
| 8.4 Was there anything to suggest that violence or torture were used to coerce the accused into confessing to the alleged crime? | Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> If yes, please explain: |
| 8.5 Was there anything to suggest that there was any pressure put on the defendant, which exploited them because they were of a protected group (e.g. sexual harassment, or public shaming) | Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> If yes, please explain: |

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| 9. OTHER COMMENTS REGARDING JUDGE, PROSECUTOR, DEFENDANT, DEFENSE COUNSEL OR PREVENTIVE MEASURE |
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PRE-TRIAL PROCESS CHECKLIST

| 1. GENERAL INFORMATION | |
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| 1.1 Date of Monitoring: | Duration of process: |
| 1.2 Court Monitor: | Female: <input type="checkbox"/> Male: <input type="checkbox"/> |
| 1.3 Court: | |
| 1.4 Judge: | Female: <input type="checkbox"/> Male: <input type="checkbox"/> |
| 1.5 Prosecutor: | Female: <input type="checkbox"/> Male: <input type="checkbox"/> |
| 1.6 Defendant: | <p>Name:</p> <p>Age: : Adult: <input type="checkbox"/> Juvenile: <input type="checkbox"/></p> <p>Education: Incomplete Secondary Education <input type="checkbox"/> Secondary Education <input type="checkbox"/> Higher Education <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>Was the defendant present: Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Nationality:</p> <p style="padding-left: 20px;">Georgian: <input type="checkbox"/> Azeri: <input type="checkbox"/> Armenian: <input type="checkbox"/> Turkish: <input type="checkbox"/></p> <p style="padding-left: 20px;">Other: <input type="checkbox"/> - please specify:</p> <p>Unknown: <input type="checkbox"/></p> <p>Religion:</p> <p style="padding-left: 20px;">Christian: <input type="checkbox"/> Muslim: <input type="checkbox"/> Atheist: <input type="checkbox"/> Agnostic: <input type="checkbox"/> Other: <input type="checkbox"/></p> <p>Unknown: <input type="checkbox"/></p> <p>Ethnicity:</p> <p style="padding-left: 20px;">Abkhazian: <input type="checkbox"/> Armenian: <input type="checkbox"/> Azeri: <input type="checkbox"/> Georgian: <input type="checkbox"/> Greek: <input type="checkbox"/> Kist: <input type="checkbox"/></p> <p style="padding-left: 20px;">Ossetian: <input type="checkbox"/> Turkish: <input type="checkbox"/> Roma: <input type="checkbox"/> Russian: <input type="checkbox"/> Ukrainian: <input type="checkbox"/> Yazidi: <input type="checkbox"/></p> <p style="padding-left: 20px;">Other: <input type="checkbox"/> - please specify:</p> <p>Unknown: <input type="checkbox"/></p> <p>Language:</p> <p style="padding-left: 20px;">Azeri: <input type="checkbox"/> Armenian: <input type="checkbox"/> Georgian: <input type="checkbox"/> Russian: <input type="checkbox"/> Turkish: <input type="checkbox"/></p> <p style="padding-left: 20px;">Other: <input type="checkbox"/> - please specify</p> <p>Sexual Orientation: Heterosexual: <input type="checkbox"/> Homosexual: <input type="checkbox"/> Bisexual: <input type="checkbox"/> Unknown: <input type="checkbox"/></p> <p>Disabilities: Yes: <input type="checkbox"/> None: <input type="checkbox"/></p> <p>If yes, please specify: Psycho-social: <input type="checkbox"/> physical: <input type="checkbox"/></p> |

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| 1.7 Defense counsel | <p>1.7 Was defense counsel present? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>1.7.1 If yes, Female: <input type="checkbox"/> Male: <input type="checkbox"/></p> <p>1.7.2 Appointed by the state? Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>1.7.3 Required because of article charged? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>1.7.4 Private defense counsel? Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>1.7.5 Is the defendant represented by more than one defense counsels? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>1.7.6 Does any defense counsel represent multiple defendants? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>1.7.7 If yes, is there any conflict of interests between two or more defendants, represented by the same defense counsel? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Other comments:</p> |
| 1.8 Code article(s) involved | |
| 1.9 Charge: | Less grave crime <input type="checkbox"/> Grave crime <input type="checkbox"/> Especially grave crime <input type="checkbox"/> |

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| | Gender related crime <input type="checkbox"/> Discrimination related crime <input type="checkbox"/> Specify: |
| 1.10. Political affiliation of defendant | United National Movement <input type="checkbox"/> Georgian Dream <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/> Other comments: |
| 1.11. Was the charge changed after the defendant's first appearance before the court? | Yes <input type="checkbox"/> No <input type="checkbox"/> 1.11.1 If yes, did the Judge state the changed charge(s) (articles, range and type of possible sentence)? Yes <input type="checkbox"/> No <input type="checkbox"/> |
| 1.12 Number and sex of defendants | Total: Male: Female: |
| 1.13 Timing | Did the hearing begin late? Yes <input type="checkbox"/> No <input type="checkbox"/> 1.13.1 If so why: Judge was late <input type="checkbox"/> Prosecutor was late <input type="checkbox"/> Defense counsel was late <input type="checkbox"/> <input type="checkbox"/> Defendant was late <input type="checkbox"/> Continuation of other hearing in the courtroom <input type="checkbox"/> One of the parties was involved in other process <input type="checkbox"/> Other <input type="checkbox"/> Other comments: 1.13.2 For how long was it delayed: |

| 2. RIGHT TO A PUBLIC HEARING | |
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| 2.1 Was a notice of the hearing posted outside the courtroom? | Yes <input type="checkbox"/> No <input type="checkbox"/> Other comments: |
| 2.2 Closed hearing | Was the hearing closed? Yes <input type="checkbox"/> No <input type="checkbox"/> 2.2.1 How did the monitor learn that the hearing was closed? The judge made an announcement: <input type="checkbox"/> It was indicated by the court guard: <input type="checkbox"/> It was indicated by one of the parties <input type="checkbox"/> Other <input type="checkbox"/> 2.2.2 Please indicate the reason for closing the hearing : The protection of professional data, professional or commercial secret <input type="checkbox"/> ; The protection of juveniles' interests <input type="checkbox"/> ; The protection of the security of a party of the court or family member (close relative) <input type="checkbox"/> ; The implementation of a special measure of protection on a party of the court <input type="checkbox"/> ; The protection of the interests of a victim of sexual violence <input type="checkbox"/> ; The protection of the interests of a victim of human trafficking <input type="checkbox"/> ; The protection of the interests of a victim of family violence <input type="checkbox"/> ; Protection of private conversation and messages during the court's hearings <input type="checkbox"/> Other <input type="checkbox"/> : Unknown <input type="checkbox"/> : Comment: |

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| defendant about his/her right to legal representation, and explain what this meant? | Other comments: |
| 3.6 Did the Judge inform the defendant about his/her right to self-defense, and explain what this meant? | Yes <input type="checkbox"/> No <input type="checkbox"/> Other comments: |
| 3.7 Did the Judge inform the defendant about his/her right to recuse the judge, and explain what this meant? | Yes <input type="checkbox"/> No <input type="checkbox"/> Other comments: |
| 3.8 Clarity of explanations | 3.8.1 Were the defendant's rights explained in a clear and understandable manner, in a language that the defendant could fully understand? Yes <input type="checkbox"/> No <input type="checkbox"/> 3.8.2 Please give specific support for your conclusion: |
| 3.9 Did the judge comprehensively explain to the accused his/her rights? | Yes <input type="checkbox"/> No <input type="checkbox"/> |

| 4. MOTIONS OF DEFENSE AND PROSECUTION FOR APPROVAL OF EVIDENCE | |
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| 4.1 Motions of prosecution | <p>Did the prosecutor file a motion to approve evidence? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, please provide the motion content, if possible:</p> <p>4.1.1 If yes, what kind of evidence is requested to be admissible (more than one paragraph may be indicated) Search <input type="checkbox"/> Seizure <input type="checkbox"/> Inspection <input type="checkbox"/> The conclusion of expert examination <input type="checkbox"/> Interview/interrogation protocols of witness <input type="checkbox"/> Covert investigative action <input type="checkbox"/> Evidence obtained from a computer system <input type="checkbox"/> Other written documents <input type="checkbox"/></p> <p>4.1.2 Does the position of the defense make undeniably evidence on the prosecutor's motion? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>4.1.3 Does the lawyer filed the motion for recognition of inadmissibility of evidence? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>4.1.4 If yes, what kind of evidence is requested to be inadmissible (more than one paragraph may be indicated) Search <input type="checkbox"/> Seizure <input type="checkbox"/> Inspection <input type="checkbox"/> The conclusion of expert examination <input type="checkbox"/> Interview/interrogation protocols of witness <input type="checkbox"/> Covert investigative action <input type="checkbox"/> Evidence obtained from a computer system <input type="checkbox"/></p> |

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| | <p>Other written documents <input type="checkbox"/></p> <p>4.1.5 What was the substantiation/argumentation of the defence's motion: Obtained by substantial violation of the law <input type="checkbox"/> The evidence is irrelevant <input type="checkbox"/> The rule of exchange of evidences was violated <input type="checkbox"/> Other ground <input type="checkbox"/></p> <p>4.1.6 Was the motion granted? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Please provide the grounds for the judge's decision: 4.1.7 In case of full rejection the grounds for a judge's decision: Is obtained by substantial violation of the law <input type="checkbox"/> The evidence is irrelevant <input type="checkbox"/> The rule of exchange of evidences was violated <input type="checkbox"/> Other ground <input type="checkbox"/></p> <p>4.1.8. In case of partial satisfaction, what kind of evidence is recognized to be inadmissible: (more than one paragraph may be indicated) Search <input type="checkbox"/> Seizure <input type="checkbox"/> Inspection <input type="checkbox"/> The conclusion of expert examination <input type="checkbox"/> Interview/interrogation protocols of witness <input type="checkbox"/> Covert investigative action <input type="checkbox"/> Evidence obtained from a computer system <input type="checkbox"/> Other written documents <input type="checkbox"/></p> <p>4.1.9 What was the ground for the judge's decision? Obtained by substantial violation of the law <input type="checkbox"/> The evidence is irrelevant <input type="checkbox"/> The rule of exchange of evidences was violated <input type="checkbox"/> Other ground <input type="checkbox"/></p> <p>4.1.10. Did the Defense support the motion? Yes <input type="checkbox"/> No <input type="checkbox"/> If no, please indicate the reason:</p> <p>4.1.11. In case of search and seizure: The acts were legalized in advance by the judge <input type="checkbox"/> The acts were legalized later by the judge <input type="checkbox"/></p> <p>4.1.12 Did the court recognize search/seizure as lawful in case of urgent necessity? Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>4.1.13 Motions related to the characteristics of either the victim or defendant:</p> |
| <p>4.2 Motions of defense</p> | <p>Did the defense counsel file a motion to approve evidence? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please provide the motion content, if possible: 4.2.1 If yes, what kind of evidence is requested to be admissible (more than one paragraph may be indicated) Search <input type="checkbox"/> Seizure <input type="checkbox"/> Inspection <input type="checkbox"/> The conclusion of expert examination <input type="checkbox"/> Interview/interrogation protocols of witness <input type="checkbox"/> Covert investigative action <input type="checkbox"/></p> |

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| Evidence from public agencies | <p>Evidence obtained from a computer system <input type="checkbox"/></p> <p>Other <input type="checkbox"/></p> <p>4.2.2 Was the motion granted? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Grounds for the judge's decision:</p> <p>4.2.3 In case of full rejection the grounds for a judge's decision:</p> <p>Is obtained by substantial violation of the law <input type="checkbox"/></p> <p>The evidence is irrelevant <input type="checkbox"/></p> <p>The rule of exchange of evidences was violated <input type="checkbox"/></p> <p>Other ground <input type="checkbox"/></p> <p>4.2.4. In case of partial satisfaction, what kind of evidence is inadmissible: (more than one paragraph may be indicated)</p> <p>Search <input type="checkbox"/></p> <p>Seizure <input type="checkbox"/></p> <p>Inspection <input type="checkbox"/></p> <p>The conclusion of expert examination <input type="checkbox"/></p> <p>Interview/interrogation protocols of witness <input type="checkbox"/></p> <p>Covert investigative action <input type="checkbox"/></p> <p>Evidence obtained from a computer system <input type="checkbox"/></p> <p>Other written documents <input type="checkbox"/></p> <p>4.2.5 The grounds for the decision of the judge</p> <p>Obtained by substantial violation of the law <input type="checkbox"/></p> <p>The evidence is irrelevant <input type="checkbox"/></p> <p>The rule of exchange of evidences was violated <input type="checkbox"/></p> <p>Other ground <input type="checkbox"/></p> |
| | <p>4.2.6 Did the Prosecutor support the motion? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If no, please indicate the reason:</p> <p>4.2.7 Did the prosecutor file the motion for recognition of inadmissibility of evidence?</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>4.2.8 If yes, what kind of evidence is requested to be inadmissible (more than one paragraph may be indicated)</p> <p>Search <input type="checkbox"/></p> <p>Seizure <input type="checkbox"/></p> <p>Inspection <input type="checkbox"/></p> <p>The conclusion of expert examination <input type="checkbox"/></p> <p>Interview/interrogation protocols of witness <input type="checkbox"/></p> <p>Covert investigative action <input type="checkbox"/></p> <p>Evidence obtained from a computer system <input type="checkbox"/></p> <p>Other <input type="checkbox"/></p> <p>4.2.9 The substantiation/argumentation of the prosecutor's motion:</p> <p>Obtained by substantial violation of the law <input type="checkbox"/></p> <p>The evidence is irrelevant <input type="checkbox"/></p> <p>The rule of exchange of evidences was violated <input type="checkbox"/></p> <p>Other ground <input type="checkbox"/></p> <p>4.2.10 Motions filed for the victim/witness or accused person:</p> <p>Did the defense file a motion to request evidence from the public agency?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Was the motion granted?</p> |

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| | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Grounds for the judge's decision:</p> |
| <p>4.3 Recognition of inadmissibility of evidence at the initiative of a judge</p> | <p>The judge declared the evidence as inadmissible on his own initiative Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>4.3.1 If yes, which party's evidence was recognized as inadmissible: Prosecution's <input type="checkbox"/> The defence's <input type="checkbox"/></p> <p>4.3.2 What kind of evidence was recognized as inadmissible: (more than one paragraph may be indicated) Search <input type="checkbox"/> Seizure <input type="checkbox"/> Inspection <input type="checkbox"/> The conclusion of expert examination <input type="checkbox"/> Interview/interrogation protocols of witness <input type="checkbox"/> Covert investigative action <input type="checkbox"/> Evidence obtained from a computer system <input type="checkbox"/> Other written documents <input type="checkbox"/></p> <p>4.3.3 The grounds/substantiation for the decision of the judge: Obtained by substantial violation of the law <input type="checkbox"/> The evidence is irrelevant <input type="checkbox"/> The rule of exchange of evidences was violated <input type="checkbox"/> Other ground <input type="checkbox"/></p> <p>4.3.4 Did the judge declare the protocols of the procedural action inadmissible? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>4.3.5 A judge declared inadmissible (more than one paragraph may be indicated) Protocol of detention <input type="checkbox"/> Decision to prosecute <input type="checkbox"/> Ruling of the judge <input type="checkbox"/> Prosecutor's/investigator's decision <input type="checkbox"/></p> <p>4.3.6 Recognition of inadmissibility occurred: On the basis of the motion of the defence <input type="checkbox"/> On the initiative of the judge <input type="checkbox"/></p> <p>4.3.7 The grounds/substantiation for the decision of the judge Compiled with substantial violation of the law <input type="checkbox"/> Irrelevant <input type="checkbox"/> The rule of exchange of evidences was violated <input type="checkbox"/> Compiled by an unauthorized person <input type="checkbox"/> Other grounds <input type="checkbox"/></p> |
| <p>4.4 Rulings on parties' motions</p> | <p>4.4.1 Did the judge appear to treat the motions of one party differently than the other? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>4.4.2 If one party was treated more preferably than the other, which party was treated more preferably?</p> |

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| | <p>Prosecution <input type="checkbox"/> Defence <input type="checkbox"/></p> <p>4.4.3 Please specify which motions were/were not treated differently, and give specific reasons for your conclusion:</p> <p>4.4.4 In cases where one party was treated more preferably than the other, was there any reason to think that this was due to discrimination, because one party had a protected characteristic (e.g. a certain gender, ethnicity, religion, sexuality) Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Please provide details: Ethnicity <input type="checkbox"/> Religion <input type="checkbox"/> gender <input type="checkbox"/> sexual orientation/identity <input type="checkbox"/></p> <p>disability <input type="checkbox"/> Other <input type="checkbox"/></p> <p>Comments:</p> |
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| 5. OTHER MOTIONS OF DEFENCE AND PROSECUTION | |
|--|---|
| 5.1 Motions with regard to preventive measure | <p>Did any of the parties file a motion with regard to preventive measures? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>5.1.1 If yes, which party? Prosecution <input type="checkbox"/> Defence <input type="checkbox"/></p> <p>5.1.2 Please clarify the content of motion: Use of preventive measure <input type="checkbox"/> Change of preventive measure <input type="checkbox"/> Ending the preventive measure <input type="checkbox"/></p> <p>5.1.3 If the other party did not support the motion, which party was it? Prosecution <input type="checkbox"/> Defence <input type="checkbox"/></p> <p>5.1.4 Was the motion granted? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>5.1.5 Grounds for Judge's decision:</p> |

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| <p>5.2 Motion with regard to dismissal of the charge</p> | <p>Did any of the parties file a motion with regard to dismissal of the charge?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>5.2.1 If yes, which party?</p> <p>Prosecution <input type="checkbox"/> Defence <input type="checkbox"/></p> <p>Please, clarify the grounds for motion:</p> <p>5.2.2 What was the position of the other party?</p> <p>5.2.3 Was the motion granted? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>5.2.4 Grounds for Judge's decision:</p> |
| <p>5.3 Were any motions advanced based on the fact that the defendant had a protected characteristic (e.g. based on their gender, ethnicity, religion, religion)?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, what was the grounds:</p> <p>Ethnicity <input type="checkbox"/> Religion <input type="checkbox"/> gender <input type="checkbox"/> sexual orientation/identity <input type="checkbox"/></p> <p>disability <input type="checkbox"/> Other <input type="checkbox"/></p> <p>5.3.1 If so, what the motion?</p> |
| <p>5.4 Were any motions advanced based on the fact that the victim had a protected characteristic (e.g. based on their gender, ethnicity, religion, religion, or because they were the victim of a gender-related crime)?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, what was the grounds:</p> <p>Ethnicity <input type="checkbox"/> Religion <input type="checkbox"/> gender <input type="checkbox"/> sexual orientation/identity <input type="checkbox"/></p> <p>disability <input type="checkbox"/> Other <input type="checkbox"/></p> <p>5.4.1 If so, what was the motion?</p> |
| <p>5.5 Other motions</p> <p>(In case of several motions, please provide the number)</p> | <p>Other than mentioned above, did any of the parties file any other motion?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> |

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| | <p>5.5.1 If yes, which party?</p> <p>Prosecution <input type="checkbox"/> Defence <input type="checkbox"/> Both <input type="checkbox"/></p> <p>Please, clarify the content of motion:</p> <p>5.5.2 Position on other party:</p> <p>5.5.3 Was the motion granted? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Grounds for Judge's decision:</p> |
| <p>5.6 How many motions did the prosecution file?</p> | <p>0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/></p> |
| <p>5.7 How many motions did the defense counsel file?</p> | <p>0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/></p> |

| 6. RIGHT TO SPEAK WITH A LAWYER AND TO ADEQUATE TIME AND FACILITIES TO PREPARE A DEFENSE | |
|---|---|
| <p>6.1 Was the issue of adequate time and facilities for preparation raised by the defendant/defence council?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>6.1.1 If yes, please explain</p> <p>6.1.2. What was the decision of the judge?</p> |

| 7. PRESUMPTION OF INNOCENCE | |
|---|---|
| <p>7.1 Were any statements made by any party about the guilt of the accused before the verdict was delivered?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, which party:</p> |

| | |
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| | <p>Prosecution <input type="checkbox"/> Defense <input type="checkbox"/> Judge <input type="checkbox"/></p> <p>Other comments:</p> <p>7.1.1 If yes, what was the basis of violating the presumption of innocence?</p> <p>Discrimination based on gender <input type="checkbox"/> Discrimination based on ethnicity <input type="checkbox"/></p> <p>Discrimination based on religion <input type="checkbox"/> Discrimination based on sexuality <input type="checkbox"/></p> <p>Criminal record of the defendant <input type="checkbox"/> Other <input type="checkbox"/></p> <p>If 'other', please explain:</p> |
| <p>7.2 Were any negative statements made by any party about the defendant or any witness, which attacked them based on some discriminatory characteristic (such as their gender, ethnicity, religion or sexuality)?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>7.2.1 If yes, which party? Prosecution <input type="checkbox"/> Defence <input type="checkbox"/> Both <input type="checkbox"/> Judge <input type="checkbox"/></p> <p>7.2.2 If yes, please explain what was said:</p> <p>7.2.3 If yes, please describe the reaction of the judge: Disapproval of the statement <input type="checkbox"/> No reaction <input type="checkbox"/> Endorsing the statement <input type="checkbox"/> Other <input type="checkbox"/> If 'other', please explain:</p> <p>7.2.4 If yes, please describe the reaction of the other party: Disapproval of the statement <input type="checkbox"/> No reaction <input type="checkbox"/> Endorsing the statement <input type="checkbox"/> Other <input type="checkbox"/> If 'other', please explain:</p> |

| 8. JUDGE'S DECISION | |
|---|--|
| <p>8.1 Was the evidence list provided by the prosecutor granted?</p> | <p>The evidence list provided by the prosecutor was granted:</p> <p>Fully <input type="checkbox"/> Partially <input type="checkbox"/> Was not granted <input type="checkbox"/></p> <p>Comment:</p> |

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| 8.2 Was the evidence list provided by the defense counsel granted? | The evidence list provided by the defense counsel was granted: Fully <input type="checkbox"/> Partially <input type="checkbox"/> Was not granted <input type="checkbox"/> Comment: |
| 8.3 Was the evidence list provided by the prosecutor disputed by the defense counsel? | Fully <input type="checkbox"/> Partially <input type="checkbox"/> Not at all <input type="checkbox"/> 8.3.1 If it was not disputed, please provide the reason (if one was given) Comment: |
| 8.4 Was the evidence list provided by the defense counsel disputed by the prosecutor? | Fully <input type="checkbox"/> Partially <input type="checkbox"/> Not at all <input type="checkbox"/> 8.4.1 If it was not disputed, please provide the reason (if one was given) Comment: |

| 9. INDEPENDENCE, IMPARTIALITY, AND CONDUCT OF THE JUDGE | |
|---|---|
| 9.1 Did the judge use intimidation or take any other informal action against any of the parties or witness? (e.g. switching off their microphone, or altering the transcript) | Yes <input type="checkbox"/> No <input type="checkbox"/> 9.1.1 If yes, please explain what: |
| 9.2 Did the judge give any instructions to either party? | Yes <input type="checkbox"/> No <input type="checkbox"/> 9.2.1 If yes, to which party? Prosecution <input type="checkbox"/> Defense <input type="checkbox"/> Both <input type="checkbox"/> 9.2.2 If yes, please explain what the instructions were: |
| 9.3 Was there anything to indicate that the judge was not listening properly? | Yes <input type="checkbox"/> No <input type="checkbox"/> 9.3.1 If yes, please explain what: |
| 9.4 Did the judge make any comments about any of the parties that suggested negative assumptions about them based on any discriminatory characteristic (such as gender, ethnicity, | Yes <input type="checkbox"/> No <input type="checkbox"/> 9.4.1 If yes, what characteristic did the judge make a negative comment(s) about? Gender <input type="checkbox"/> Ethnicity <input type="checkbox"/> Nationality <input type="checkbox"/> Sexuality <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Other <input type="checkbox"/> |

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| <p>sexuality, etc)? This includes phrases that could be perceived as sexist, racist or homophobic.</p> | <p>9.4.2 If yes, please explain what the comment(s) were:</p> |
| <p>9.5 Other than anything noted above, was there anything to suggest that the judge was biased?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>9.5.1 If yes, please explain why:</p> <p>9.5.2 If the judge had an interest in the case, what was it?</p> <p>Familial <input type="checkbox"/> Political <input type="checkbox"/> Financial <input type="checkbox"/> Other <input type="checkbox"/></p> <p>9.5.3 Comment:</p> |
| <p>9.6 Was there a request for recusal by either party?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>9.6.1 If yes, by which party?</p> <p>Prosecution <input type="checkbox"/> Defense <input type="checkbox"/> Both <input type="checkbox"/></p> <p>9.6.2 If yes, was the request granted?</p> <p>Comment:</p> |
| <p>9.7 Did a judge withdraw from a case by recusing himself/herself when this was necessary due to bias or a perception of bias?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> |

| 10. RIGHT TO LIBERTY AND TO BE TRIED WITHOUT UNDUE DELAY | |
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| <p>10.1 Was the defendant brought to the court from a place of detention?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/></p> |
| <p>10.2 If any, what was the preventative measure imposed:</p> | <p>Bail <input type="checkbox"/> Imprisonment <input type="checkbox"/> Personal warranty <input type="checkbox"/></p> <p>Written obligation of residence and due conduct <input type="checkbox"/></p> <p>Command probation over military servant <input type="checkbox"/> Unknown <input type="checkbox"/></p> |
| <p>10.3 Were there any measures used to visually humiliate the defendant?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> |

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| | <p>10.3.1 If yes, what?</p> <p>Handcuffs <input type="checkbox"/> Being kept in a cage during proceedings <input type="checkbox"/> Other <input type="checkbox"/></p> <p>If 'other', please explain:</p> <p>10.3.2 If yes, was there any discussion of these in court?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>10.3.3 If yes, what were the grounds for this (in particular, were they imposed for any discriminatory reason?)</p> |
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| 11. OTHER | |
|--|---|
| <p>11.1 Presence of defense counsel</p> | <p>11.1.1 Was counsel for the defence present? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>11.1.2 If defense counsel was not present, did legislation require a lawyer's presence at this stage of the proceedings? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>11.1.3 If defense counsel was not present, and legislation did not require it, was a lawyer's presence nevertheless still necessary? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>11.1.4 If yes, please explain why:</p> |
| <p>11.2 Preparedness and quality of prosecution</p> | <p>11.2.1 Was the prosecution prepared?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/></p> <p>11.2.2 Did the prosecutor state strong arguments?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/></p> |

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| | <p>Please support your opinion with specific examples:</p> <p>11.2.3 Did the prosecutor demonstrate knowledge of the facts of the case?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/></p> <p>Please support your opinion with specific examples:</p> <p>11.2.4 Did the prosecutor demonstrate knowledge of the law involved in the case?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/></p> <p>Please support your opinion with specific examples:</p> <p>11.2.5 Did the prosecutor communicate and co-ordinate well with the victim?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>Please support your opinion with specific examples:</p> <p>11.2.6. Did the Prosecutor refer to a motive for committing a crime?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>Give an example of the motive the Prosecutor emphasized on:</p> |
| <p>11.3 Preparedness and quality of defense</p> | <p>11.3.1 Was the defense prepared?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/></p> <p>11.3.2 Did the defense state strong arguments?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/></p> <p>Please support your opinion with specific examples:</p> <p>11.3.3 Did counsel for the defense demonstrate knowledge of the facts of the case?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/></p> <p>Please support your opinion with specific examples:</p> <p>11.3.4 Did counsel for the defense demonstrate knowledge of the law involved in the case?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/></p> <p>Please support your opinion with specific examples:</p> <p>11.3.5 Did counsel for the defense communicate and co-ordinate well with the defendant?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> The defendant (accused person) was not present at</p> |

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| | <p>the hearing <input type="checkbox"/></p> <p>Please support your opinion with specific examples</p> |
| <p>11.4 Technical problems</p> | <p>11.4.1 Were there any technical problems during the hearing?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, please state the nature of technical problem: _____</p> <p>11.4.2 Did anyone mention the problem?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Comment:</p> <p>11.4.3 Please describe the judge's response:</p> <p>11.4.4 Was it possible for the disabled people to attend the court proceedings?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If so, please provide details</p> |

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| <p>12. OTHER COMMENTS REGARDING JUDGE, PROSECUTOR, DEFENDANT, DEFENSE COUNSEL OR PRE-TRIAL HEARING, INCLUDING INTERRELATIONSHIP OF JUDGE AND PARTIES</p> | |
| <p></p> | |

MAIN TRIAL CHECKLIST

| 1. GENERAL INFORMATION | |
|--------------------------------|--|
| 1.1 Date of Monitoring: | Duration of process: |
| 1.2 Court Monitor: | Female: <input type="checkbox"/> Male: <input type="checkbox"/> |
| 1.3 Court: | |
| 1.4 Judge: | Female: <input type="checkbox"/> Male: <input type="checkbox"/> |
| 1.5 Prosecutor: | Female: <input type="checkbox"/> Male: <input type="checkbox"/> |
| 1.6 Defendant: | <p>Name:</p> <p>Age: Adult: <input type="checkbox"/> Juvenile: <input type="checkbox"/></p> <p>Education: Incomplete Secondary Education <input type="checkbox"/> Secondary Education <input type="checkbox"/> Higher Education <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>Was the defendant present: Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Nationality: Georgian: <input type="checkbox"/> Azeri: <input type="checkbox"/> Armenian: <input type="checkbox"/> Turkish: <input type="checkbox"/> Other: <input type="checkbox"/> - please specify:</p> <p>Religion: Christian: <input type="checkbox"/> Muslim: <input type="checkbox"/> Atheist: <input type="checkbox"/> Agnostic: <input type="checkbox"/> Other: <input type="checkbox"/> Unknown: <input type="checkbox"/></p> <p>Ethnicity: Abkhazian: <input type="checkbox"/> Armenian: <input type="checkbox"/> Azeri: <input type="checkbox"/> Georgian: <input type="checkbox"/> Greek: <input type="checkbox"/> Kist: <input type="checkbox"/> Ossetian: <input type="checkbox"/> Turkish: <input type="checkbox"/> Roma: <input type="checkbox"/> Russian: <input type="checkbox"/> Ukrainian: <input type="checkbox"/> Yazidi: <input type="checkbox"/> Other: <input type="checkbox"/> - please specify: Unknown: <input type="checkbox"/></p> <p>Language: Azeri: <input type="checkbox"/> Armenian: <input type="checkbox"/> Georgian: <input type="checkbox"/> Russian: <input type="checkbox"/> Turkish: <input type="checkbox"/> Other: <input type="checkbox"/> - please specify</p> <p>Sexual Orientation: Heterosexual: <input type="checkbox"/> Homosexual: <input type="checkbox"/> Bisexual: <input type="checkbox"/> Unknown: <input type="checkbox"/></p> <p>Disabilities: Yes: <input type="checkbox"/> None: <input type="checkbox"/> If yes, please specify: Psycho-social: <input type="checkbox"/> physical: <input type="checkbox"/></p> |
| 1.7 Defense counsel | <p>1.7 Was defense counsel present? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>1.7.1 Female: <input type="checkbox"/> Male: <input type="checkbox"/></p> <p>1.7.2. Appointed by the state? Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>1.7.3. Required because of article charged? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>1.7.4 Private defense counsel? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>1.7.5 Is the defendant represented by multiple defense counsels?</p> |

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| | <p>1.7.6 Does any defense counsel represent more than one defendant? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>1.7.7 If yes, is there any conflict of interests between two or more defendants, represented by the same defense counsel? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Other comments:</p> |
| 1.8 Code article(s) involved | |
| 1.9 Charge: | Less grave crime <input type="checkbox"/> Grave crime <input type="checkbox"/> Especially grave crime <input type="checkbox"/> Gender related crime <input type="checkbox"/> Discrimination related crime <input type="checkbox"/> |
| 1.10 Political affiliation of defendant | United National Movement <input type="checkbox"/> Georgian Dream <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/> Other comments: |
| 1.11 Was the charge changed after the defendant's first appearance before the court? | Yes <input type="checkbox"/> No <input type="checkbox"/> 1.11.1 If yes, did the Judge state the changed charge(s) (articles, range and type of possible sentence)? Yes <input type="checkbox"/> No <input type="checkbox"/> |
| 1.12 Number and sex of defendants | Total: Male: Female: |
| 1.13 Timing | Did the hearing begin late? Yes <input type="checkbox"/> No <input type="checkbox"/> 1.13.1 If so why: Judge was late <input type="checkbox"/> Prosecutor was late <input type="checkbox"/> Defense counsel was late <input type="checkbox"/> Defendant was late <input type="checkbox"/> Continuation of other hearing in the courtroom <input type="checkbox"/> One of the parties was involved in other process <input type="checkbox"/> Other <input type="checkbox"/> Comments: 1.13.2 For how long was it delayed: _____ minutes (indicate, if it was delayed for more than 5 minutes) |

| 2. RIGHT TO A PUBLIC HEARING | |
|--|--|
| 2.1 Was a notice of the hearing posted outside the courtroom? | Yes <input type="checkbox"/> No <input type="checkbox"/> Other comments: |
| 2.2 Closed hearing | 2.2 Was the hearing closed? Yes <input type="checkbox"/> No <input type="checkbox"/> 2.2.1 How did the monitor learn that the hearing was closed? The judge made an announcement: <input type="checkbox"/> It was indicated by the court guard: <input type="checkbox"/> It was indicated by one of the parties <input type="checkbox"/> Other <input type="checkbox"/> 2.2.2 Please indicate the reason for closing the hearing : |

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| | Yes <input type="checkbox"/> No <input type="checkbox"/> Translation was not necessary <input type="checkbox"/> |
| 3.5 If required, were provisions made for disabilities? | Yes <input type="checkbox"/> No <input type="checkbox"/> Was not necessary <input type="checkbox"/> 3.5.1 If yes, for: Hearing <input type="checkbox"/> Vision <input type="checkbox"/> Other <input type="checkbox"/> Other comments: |
| 3.6 Did the Judge inform the defendant about his/her right to legal representation, and explain what this meant? | Yes <input type="checkbox"/> No <input type="checkbox"/> Other comments: |
| 3.7 Did the Judge inform the defendant about his/her right to self-defense, and explain what this meant? | Yes <input type="checkbox"/> No <input type="checkbox"/> Other comments: |
| 3.8 Did the Judge inform the defendant about his/her right to not to answer questions, and explain what this meant? | Yes <input type="checkbox"/> No <input type="checkbox"/> Other comments: |
| 3.9 Did the Judge inform the defendant about his/her right to recuse the judge, and explain what this meant? | Yes <input type="checkbox"/> No <input type="checkbox"/> Other comments: |
| 3.10 Did the Judge inform and explain to the defendant that notwithstanding his/her confession, he/she is not bound by that confession and has the right to remain silent? | Yes <input type="checkbox"/> No <input type="checkbox"/> Other comments: |
| 3.11 Did the judge comprehensively explain to the accused his/her rights? | Yes <input type="checkbox"/> No <input type="checkbox"/> Comments: |
| 3.12 Did the judge clearly inform the accused of his/her rights, taking into account his/her characteristics (e.g. age, knowledge of the language, culture, or disabilities)? | Yes <input type="checkbox"/> No <input type="checkbox"/> Comments: |

4. POSTPONEMENTS AND DELAYS

| | |
|---|---|
| <p>4.1 Was the hearing ever postponed or delayed?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> |
| <p>4.2 Is the reasons for postponement/ delay known? (check all that apply)</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>4.2.1 If yes, what was the reason?</p> <p>Absence of Prosecution Witness(es) <input type="checkbox"/> Days delay _____</p> <p>Absence of Prosecutor(s) <input type="checkbox"/> Days delay _____</p> <p>Absence of Defense Attorney(s) (specify if Public Defender or Private Defense Attorney) <input type="checkbox"/> Days delay _____</p> <p>Appointment of Public Defender <input type="checkbox"/> Days delay _____</p> <p>Absence of Defendant(s) <input type="checkbox"/> Days delay _____</p> <p>Absence of Defense Witness(es) <input type="checkbox"/> Days delay _____</p> <p>Absence of Interpreter <input type="checkbox"/> Days delay _____</p> <p>Change Crime Qualification <input type="checkbox"/> Days delay _____</p> <p>Merge Cases Involving the Same Defendant <input type="checkbox"/> Days delay _____</p> <p>Negotiation of Plea Agreement <input type="checkbox"/> Days delay _____</p> <p>Preparation for Examination of Evidence <input type="checkbox"/> Days delay _____</p> <p>Need for Newly-appointed Defense Attorney to Examine Case Material <input type="checkbox"/> Days</p> |

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| | delay _____ Need for Expert's Conclusion <input type="checkbox"/> Days delay _____ Preparation for Final Argument <input type="checkbox"/> Days delay _____ Other (specify) <input type="checkbox"/> Days delay _____ |
|--|--|

| 5. MOTIONS FILED BY PROSECUTION | |
|---|---|
| 5.1 How many motions did the prosecution file? | 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> |
| 5.2 Please indicate the content of the motion, position of the other parties, and grounds for Judge's decision (providing as detailed information as possible) In case of several motions, please number | Content of the motion and grounds for Judge's decision: 5.1.2 Was the motion granted? Yes <input type="checkbox"/> No <input type="checkbox"/> 5.1.3 Please provide the grounds for the judge's decision: 5.1.4 Did the defense object? Yes <input type="checkbox"/> No <input type="checkbox"/> Comment: |
| 5.3 Were any motions advanced based on the fact that the defendant had a protected characteristic (e.g. based on their gender, ethnicity, religion, religion)? | Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, what was the grounds: Ethnicity <input type="checkbox"/> Religion <input type="checkbox"/> gender <input type="checkbox"/> sexual orientation/identity <input type="checkbox"/> disability <input type="checkbox"/> Other <input type="checkbox"/> 5.3.1 If so, what the motion? |
| 5.4 Were any motions advanced based on the fact that the victim had a protected characteristic (e.g. based on their gender, ethnicity, religion, religion, or because they were the victim | Yes <input type="checkbox"/> No <input type="checkbox"/> 5.4.1 If yes, what was the grounds: Ethnicity <input type="checkbox"/> Religion <input type="checkbox"/> gender <input type="checkbox"/> sexual orientation/identity <input type="checkbox"/> |

| | |
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| <p>of a gender-related crime)?</p> <p>5.5 Did the Prosecutor refer to a motive for committing a crime?</p> | <p>disability <input type="checkbox"/> Other <input type="checkbox"/></p> <p>If so, what the motion?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>Give an example of the motive the Prosecutor emphasized on:</p> |
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| 6. MOTIONS FILED BY DEFENSE | |
|--|---|
| <p>6.1 How many motions did the defense counsel file?</p> | <p>0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/></p> |
| <p>6.2 Please indicate the content of the motion, position of the other parties, and grounds for Judge's decision (providing as detailed information as possible)</p> <p>In case of several motions, please number</p> | <p>6.2.1 Was the motion granted? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Content of the motion and grounds for Judge's decision:</p> <p>6.2.2 Did the prosecutor object? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Comment:</p> |
| <p>6.3 Were any motions advanced based on the fact that the defendant had a protected characteristic (e.g. based on their gender, ethnicity, religion, religion)?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>6.3.1 If yes, what was the grounds:</p> <p>Ethnicity <input type="checkbox"/> Religion <input type="checkbox"/> gender <input type="checkbox"/> sexual orientation/identity <input type="checkbox"/></p> <p>disability <input type="checkbox"/> Other <input type="checkbox"/></p> <p>6.3.2. Comments:</p> |
| <p>6.4 Were any motions advanced based on the fact that the victim had a protected characteristic (e.g. based on their gender,</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> |

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| <p>ethnicity, religion, religion, or because they were the victim of a gender-related crime)?</p> | <p>6.4.1 If yes, what was the grounds:</p> <p>Ethnicity <input type="checkbox"/> Religion <input type="checkbox"/> gender <input type="checkbox"/> sexual orientation/identity <input type="checkbox"/></p> <p>disability <input type="checkbox"/> Other <input type="checkbox"/></p> <p>6.4.2 Comments:</p> |
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| 7. EVIDENCE BY PROSECUTOR | |
|---|--|
| <p>7.1 Did the prosecution present any witness or an expert?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>7.1.1 If yes:</p> <p>of Witnesses (not including expert witnesses):</p> <p>of Expert Witnesses:</p> <p>7.1.2 Was an expert witness presented in regard to any characteristics / mental state of the victim or defendant?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Comments:</p> <p>7.1.3 Other evidence presented by the prosecution:</p> <p>Physical Objects: <input type="checkbox"/></p> <p>Documents: <input type="checkbox"/></p> <p>Confessions: <input type="checkbox"/></p> <p>Evidence of previous convictions: <input type="checkbox"/></p> <p>Other <input type="checkbox"/></p> <p>No other evidence was presented <input type="checkbox"/></p> <p>Comment:</p> |
| <p>7.2 Was any of the evidence</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> |

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| which was produced hearsay? | <p>7.2.1 If yes, was the hearsay supported by other evidence? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Please explain:</p> |
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8. EVIDENCE BY DEFENSE

| | |
|---|---|
| 8.1 Did the defense presented any witness or expert? | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>8.1.1 If yes: of Witnesses (not including expert witnesses): of Expert Witnesses:</p> <p>8.1.2 Was an expert witness presented in regard to any characteristics / mental state of the victim or defendant? Yes <input type="checkbox"/> No <input type="checkbox"/> Comments:</p> <p>8.1.3 Other evidence presented by the prosecution: Testimony of defendant <input type="checkbox"/> Physical Objects: <input type="checkbox"/> Documents: <input type="checkbox"/> Confessions: <input type="checkbox"/> Evidence of previous convictions: <input type="checkbox"/> Other <input type="checkbox"/> No other evidence was presented <input type="checkbox"/> Comment:</p> |
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| 8.2 Was any of the evidence which was produced hearsay? | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>8.2.1 If yes, was the hearsay supported by other evidence? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Please explain:</p> |
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| 9. RIGHT TO CALL AND EXAMINE WITNESSES | |
|--|--|
| <p>9.1 Was a witness questioned during the hearing?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>9.1.1 If yes, were the witnesses present in the courtroom before they were questioned?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> |
| <p>9.2 Was there anything to suggest that any party <i>was not</i> given the opportunity to call one or more witnesses?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>9.2.1 If yes, which party? Prosecution <input type="checkbox"/> Defense <input type="checkbox"/> Both <input type="checkbox"/></p> <p>Comment:</p> |
| <p>9.3 Victim/Witness protection</p> | <p>9.3.1 Did the court take any measures to avoid the secondary traumatization/victimization of a victim/witness?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>9.3.2 If yes, what was the measure taken?</p> <p>a) Allowing witness testimony over a video link or skype <input type="checkbox"/></p> <p>b) Placing a screen between the witness and the defendant <input type="checkbox"/></p> <p>c) Distorting the witness' voice <input type="checkbox"/></p> <p>d) Protecting the witness' address <input type="checkbox"/></p> <p>e) Protecting the witness' identity/using pseudonyms, etc. <input type="checkbox"/></p> <p>9.3.3 If yes, who proposed such a measure?</p> <p>Judge <input type="checkbox"/> Prosecution <input type="checkbox"/> Defense <input type="checkbox"/></p> <p>9.3.4 Were any other measures applied to protect a victim/witness?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>9.3.5 If so, what?</p> |

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| <p>sexuality, etc)? This includes phrases that could be perceived as sexist, racist or homophobic.</p> | <p>10.5.2 If yes, please explain what the comment(s) were:</p> |
| <p>10.6 Other than anything noted above, was there anything to suggest that the judge was biased?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>10.6.1 If yes, please explain why:</p> <p>10.6.2 If the judge had an interest in the case, what was it? Familial <input type="checkbox"/> Political <input type="checkbox"/> Financial <input type="checkbox"/> Other <input type="checkbox"/></p> <p>10.6.3 If a judge did have an interest, please explain fully what it was:</p> |
| <p>10.7 Was there a request for recusal by either party?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>10.7.1 If yes, by which party? Prosecution <input type="checkbox"/> Defense <input type="checkbox"/> Both <input type="checkbox"/></p> <p>10.7.2 If yes, was the request granted?</p> |
| <p>10.8 Did a judge withdraw from a case by recusing himself/herself when this was necessary due to bias or a perception of bias?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Comments:</p> |

| 11. EQUALITY OF ARMS | |
|---|--|
| <p>11.1 Was there anything to suggest that there was a substantial problem in the collection of evidence by any of the parties?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>11.1.1 If yes, which party? Prosecution <input type="checkbox"/> Defence <input type="checkbox"/> Both <input type="checkbox"/></p> <p>Comment:</p> |

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| | |
| 11.2 Was there anything to suggest that any party was not given the opportunity to present any evidence? | Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> 11.2.1 If yes, which party? Prosecution <input type="checkbox"/> Defence <input type="checkbox"/> Both <input type="checkbox"/> Comment: |
| 11.3 Was there anything to suggest that any party was not given the opportunity to question any witness? | Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> 11.3.1 If yes, which party? Prosecution <input type="checkbox"/> Defence <input type="checkbox"/> Both <input type="checkbox"/> Comment: |
| 11.4 Was there anything to suggest that the same evidence was not available to both parties? | Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> 11.4.1 If yes, which party? Prosecution <input type="checkbox"/> Defence <input type="checkbox"/> Both <input type="checkbox"/> Comment: |
| 11.5 Did the Judge interrupt the witness of any party? | Yes <input type="checkbox"/> No <input type="checkbox"/> 11.5.1 If yes, which party? Prosecution <input type="checkbox"/> Defence <input type="checkbox"/> Both <input type="checkbox"/> Comment: |
| 11.6 Was there anything to suggest that the evidence given by any member of the protected groups was given less weight than the evidence from other persons? | Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> Comment: |

12. PROHIBITION AGAINST TORTURE AND RIGHTS DURING INTERROGATION

| | |
|--|---|
| 12.1 Did the defendant confess to the offense prior to the hearing? | Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> |
| 12.2 Was there anything to suggest that the accused was | Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> |

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| interrogated without a lawyer present? | If yes, please explain: |
| 12.3 Was there anything to suggest that threats were made to coerce the accused into confessing to the alleged crime? | Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> If yes, please explain: |
| 12.4 Was there anything to suggest that violence or torture were used to coerce the accused into confessing to the alleged crime? | Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> If yes, please explain: |
| 12.5 Was there anything to suggest that violence or torture were used to coerce any witness into giving certain evidence? | Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> If yes, please explain: |
| 12.6 Was there anything to suggest that there was any pressure put on any witness, which exploited them because they represented a protected group (e.g. sexual harassment, or public shaming) | Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> If yes, please explain: |

| 13. RIGHT TO SPEAK WITH A LAWYER AND TO ADEQUATE TIME AND FACILITIES TO PREPARE A DEFENSE | |
|--|---|
| 13.1 Was the issue of adequate time and facilities for preparation raised by the defense or defendant? | Yes <input type="checkbox"/> No <input type="checkbox"/> 13.1.2 If yes, please explain: 13.1.3 What was the decision of the judge if the issue is raised? |

14. PRESUMPTION OF INNOCENCE

14.1 Were any statements made by the judge about the guilt of the accused before the verdict was delivered?

Yes No

If yes, which party:

Prosecution Defense Judge

Other comments:

14.1.2 If yes, what was the basis of violating the presumption of innocence?

Discrimination based on gender Discrimination based on ethnicity

Discrimination based on religion Discrimination based on sexuality

Criminal record of the defendant Other

If 'other', please explain:

14.2 Were any negative statements made by either counsel about the defendant or any witness, which attacked them based on some discriminatory characteristic ?

Yes No

14.2.1 If yes, which party?

Prosecution Defence Both

14.2.2 If yes, please explain what was said:

14.2.3 If yes, please describe the reaction of the judge:

Disapproval of the statement No reaction Endorsing the statement Other

If 'other', please explain:

14.2.4 If yes, please describe the reaction of counsel for the other party:

Disapproval of the statement No reaction Endorsing the statement Other

If 'other', please explain:

| 15. RIGHT TO LIBERTY AND TO BE TRIED WITHOUT UNDUE DELAY | |
|--|--|
| 15.1 Was the defendant brought to the court from a place of detention? | Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> |
| 15.2 If yes, what was the preventative measure imposed: | Bail <input type="checkbox"/> Imprisonment <input type="checkbox"/> Personal warranty <input type="checkbox"/> Written obligation of residence and due conduct <input type="checkbox"/> Command probation over military servant <input type="checkbox"/> Unknown <input type="checkbox"/> |
| 15.3 Were there any measures used to visually humiliate the defendant? | Yes <input type="checkbox"/> No <input type="checkbox"/> 15.3.1 If yes, what? Handcuffs <input type="checkbox"/> Being kept in a cage during proceedings <input type="checkbox"/> Other <input type="checkbox"/> If 'other', please explain: 15.3.2 If yes, was there any discussion of these in court? Yes <input type="checkbox"/> No <input type="checkbox"/> 15.3.3 If yes, what were the grounds for this (in particular, were they imposed for any discriminatory reason?) |

| 16. VERDICT | |
|---|--|
| 16.1 Was a verdict delivered on the day of the trial? | Yes <input type="checkbox"/> No <input type="checkbox"/> 16.1.1 If yes, what time did the trial conclude: _____ Time for deliberation: 16.1.2 If no, was the date that the verdict would be delivered announced during the hearing? Yes <input type="checkbox"/> No <input type="checkbox"/> |
| 16.2 Date of verdict: | |
| 16.3 Was the verdict | Yes <input type="checkbox"/> No <input type="checkbox"/> |

| | |
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| <p>announced in public?</p> | <p>If no, please comment:</p> |
| <p>16.4 Verdict type: (please record the verdict for every defendant on every charge)</p> | <p>First Defendant</p> <p>16.4.1: Name of the defendant: _____</p> <p>16.4.2: For the charge of _____, the verdict was: Guilty <input type="checkbox"/> Not guilty <input type="checkbox"/></p> <p>If there were multiple charges:</p> <p>16.4.3: For the charge of _____, the verdict was: Guilty <input type="checkbox"/> Not guilty <input type="checkbox"/></p> <p>16.4.4: For the charge of _____, the verdict was: Guilty <input type="checkbox"/> Not guilty <input type="checkbox"/></p> <p>If there were further charges, please insert the verdict for these as well:</p> <p>Second Defendant (if there was a second defendant)</p> <p>16.4.5: Name of the defendant: _____</p> <p>16.4.6: For the charge of _____, the verdict was: Guilty <input type="checkbox"/> Not guilty <input type="checkbox"/></p> <p>If there were multiple charges:</p> <p>16.4.7: For the charge of _____, the verdict was: Guilty <input type="checkbox"/> Not guilty <input type="checkbox"/></p> <p>16.4.8: For the charge of _____, the verdict was: Guilty <input type="checkbox"/> Not guilty <input type="checkbox"/></p> <p>If there were further charges, please insert the verdict for these as well:</p> <p>Third Defendant (if there was a third defendant)</p> <p>16.4.9: Name of the defendant: _____</p> <p>16.4.10: For the charge of _____, the verdict was: Guilty <input type="checkbox"/> Not guilty <input type="checkbox"/></p> <p>If there were multiple charges:</p> <p>16.4.11: For the charge of _____, the verdict was: Guilty <input type="checkbox"/> Not guilty <input type="checkbox"/></p> <p>16.4.12: For the charge of _____, the verdict was: Guilty <input type="checkbox"/> Not guilty <input type="checkbox"/></p> <p>If there were further charges, please insert the verdict for these as well:</p> |

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| | <p>If there were more than three defendants, please provide further details here:</p> |
| <p>16.5 Did the Judge refer to the applicable law when announcing verdict?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Comment:</p> |
| <p>16.6 If a guilty verdict, did the judge inform and explain the right and procedure of appeal?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Comment:</p> |
| <p>16.7 Did Defense demand acquittal?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If no, the type of sentence demanded:</p> |
| <p>16.8 During or after the verdict, did anyone refer to the fact that the defendant belonged to a group with a protected characteristic (e.g. their gender, ethnicity, religion, sexuality)?</p> <p>16.9. Did the judge emphasize on the motive for committing a crime??</p> | <p>Not applicable because the defendant did not have a protected characteristic <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>16.8.1 If yes, who referred to this?</p> <p>Prosecution <input type="checkbox"/> Defence <input type="checkbox"/> Judge <input type="checkbox"/></p> <p>16.8.2 If yes, was there any suggestion that this was done in a discriminatory way?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>16.8.3 Please provide a description of the comment:</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>Give an example of the motive the Judge emphasized on:</p> |

| 17. SENTENCE | |
|---|---|
| 17.1 Type of sentence: | <p>Unknown <input type="checkbox"/></p> <p>Fine <input type="checkbox"/></p> <p>Deprivation of the right to occupy a position or pursue a particular activity <input type="checkbox"/></p> <p>Community sanction <input type="checkbox"/></p> <p>Corrective labour <input type="checkbox"/></p> <p>Professional restriction of a military servant <input type="checkbox"/></p> <p>Restriction of freedom <input type="checkbox"/></p> <p>Imprisonment for a specific term <input type="checkbox"/></p> <p>Life imprisonment <input type="checkbox"/></p> <p>Deprivation of property <input type="checkbox"/></p> <p>Restricting the rights in relation to the weapon <input type="checkbox"/></p> <p>House Arrest <input type="checkbox"/></p> <p>17.1.1 Please specify the length of the sentence:</p> |
| 17.2 If the sentence was of imprisonment, was pre-trial detention taken into account? | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> |
| 17.3 Was the sentence affected by any protected characteristic of the defendant or the victim (such as gender, ethnicity, religion, sexuality, etc), and/or was there any discrimination involved in the sentence? | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>17.3.1 If yes, did this aggravate or mitigate the sentence?</p> <p>Aggravate <input type="checkbox"/> Mitigate <input type="checkbox"/></p> <p>17.3.2. If yes, please provide details:</p> |

| 18. OTHER | |
|---|---|
| 18.1 Absence of defense counsel | <p>18.1.1 Was counsel for the defence present? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>18.1.2 If defense counsel was not present, did legislation require a lawyer's presence at this stage of the proceedings? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>18.1.3 If defense counsel was not present, and legislation did not require it, was a lawyer's presence nevertheless still necessary? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>18.1.4 If yes, please explain why:</p> |
| 18.2 Preparedness and quality of prosecution | <p>18.2.1 Was the prosecution prepared? Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/></p> <p>18.2.2 Did the prosecutor state strong arguments? Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/></p> <p>Please support your opinion with specific examples:</p> <p>18.2.3 Did the prosecutor demonstrate knowledge of the facts of the case? Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/></p> <p>Please support your opinion with specific examples:</p> <p>18.2.4 Did the prosecutor demonstrate knowledge of the law involved in the case? Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/></p> <p>Please support your opinion with specific examples:</p> <p>18.2.5 Did the prosecutor communicate and co-ordinate well with the victim?</p> |

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| | <p>Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>Please support your opinion with specific examples:</p> |
| <p>18.3 Preparedness and quality of defense</p> | <p>18.3.1 Was the defense prepared?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/></p> <p>18.3.2 Did the defense state strong arguments?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/></p> <p>Please support your opinion with specific examples:</p> <p>18.3.3 Did counsel for the defense demonstrate knowledge the facts of the case?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/></p> <p>Please support your opinion with specific examples:</p> <p>18.3.4 Did counsel for the defense demonstrate knowledge of the law involved in the case?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/></p> <p>Please support your opinion with specific examples:</p> <p>18.3.5 Did counsel for the defense communicate and co-ordinate well with the defendant?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>Please support your opinion with specific examples</p> |
| <p>18.4 Technical problems</p> | <p>18.4.1 Were there any technical problems during the hearing?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, please state the nature of technical problem: _____</p> |

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| | <p>18.4.2 Did anyone mention the problem?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Comment:</p> <p>18.4.3 Please describe the judge's response:</p> <p>18.4.4 Was it possible for the disabled people to attend the court proceedings?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If so, please provide details</p> |
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| 19. OTHER COMMENTS REGARDING JUDGE, PROSECUTOR, DEFENDANT, DEFENSE COUNSEL OR THE HEARING |
| |

PLEA AGREEMENT CHECKLIST

| 1. GENERAL INFORMATION | |
|--------------------------------|---|
| 1.1 Date of Monitoring: | Duration of process: |
| 1.2 Court Monitor: | Female: <input type="checkbox"/> Male: <input type="checkbox"/> |
| 1.3 Court: | |
| 1.4 Judge: | Female: <input type="checkbox"/> Male: <input type="checkbox"/> |
| 1.5 Prosecutor: | Female: <input type="checkbox"/> Male: <input type="checkbox"/> |
| 1.6 Defendant: | <p>Name:</p> <p>Age: : Adult: <input type="checkbox"/> Juvenile: <input type="checkbox"/></p> <p>Education: Incomplete Secondary Education <input type="checkbox"/> Secondary Education <input type="checkbox"/> Higher Education <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>Was the defendant present: Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Nationality:</p> <p style="padding-left: 20px;">Georgian: <input type="checkbox"/> Azeri: <input type="checkbox"/> Armenian: <input type="checkbox"/> Turkish: <input type="checkbox"/></p> <p style="padding-left: 20px;">Other: <input type="checkbox"/> - please specify:</p> <p>Religion:</p> <p style="padding-left: 20px;">Christian: <input type="checkbox"/> Muslim: <input type="checkbox"/> Atheist: <input type="checkbox"/> Agnostic: <input type="checkbox"/> Other: <input type="checkbox"/></p> <p>Unknown: <input type="checkbox"/></p> <p>Ethnicity:</p> <p style="padding-left: 20px;">Abkhazian: <input type="checkbox"/> Armenian: <input type="checkbox"/> Azeri: <input type="checkbox"/> Georgian: <input type="checkbox"/> Greek: <input type="checkbox"/> Kist: <input type="checkbox"/></p> <p style="padding-left: 20px;">Ossetian: <input type="checkbox"/> Turkish: <input type="checkbox"/> Roma: <input type="checkbox"/> Russian: <input type="checkbox"/> Ukrainian: <input type="checkbox"/> Yazidi: <input type="checkbox"/></p> <p style="padding-left: 20px;">Other: <input type="checkbox"/> - please specify:</p> <p>Unknown: <input type="checkbox"/></p> <p>Language:</p> <p style="padding-left: 20px;">Azeri: <input type="checkbox"/> Armenian: <input type="checkbox"/> Georgian: <input type="checkbox"/> Russian: <input type="checkbox"/> Turkish: <input type="checkbox"/></p> <p style="padding-left: 20px;">Other: <input type="checkbox"/> - please specify</p> <p>Sexual Orientation: Heterosexual: <input type="checkbox"/> Homosexual: <input type="checkbox"/> Bisexual: <input type="checkbox"/> Unknown: <input type="checkbox"/></p> <p>Disabilities: Yes: <input type="checkbox"/> None: <input type="checkbox"/></p> <p style="padding-left: 40px;">If yes, please specify: Psycho-social: <input type="checkbox"/> physical: <input type="checkbox"/></p> |
| 1.7 Defense counsel | <p>1.7 Was defense counsel present? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>1.7.1. Female: <input type="checkbox"/> Male: <input type="checkbox"/></p> <p>1.7.2. Appointed by the state? Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>1.7.3. Required because of the article charged? Yes <input type="checkbox"/> No <input type="checkbox"/></p> |

| | |
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| | <p>1.7.4. Private defense counsel? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>1.7.5. Is the defendant represented by multiple defense counsels? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>1.7.6. Does any defense counsel represent more than one defendant? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>1.7.7. If yes, is there any conflict of interests between two or more defendants, represented by the same defense counsel? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Other comments:</p> |
| 1.8 Code article(s) involved | |
| 1.9 Charge: | <p>Less grave crime <input type="checkbox"/> Grave crime <input type="checkbox"/> Especially grave crime <input type="checkbox"/></p> <p>Gender related crime <input type="checkbox"/> Discrimination related crime <input type="checkbox"/></p> <p>Specify:</p> |
| 1.10 Political affiliation of defendant | <p>United National Movement <input type="checkbox"/> Georgian Dream <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>Other comments:</p> |
| 1.11 Was the charge changed after the defendant's first appearance before the court? | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>1.11.1 If yes, did the Judge state the changed charge(s) (articles, range and type of possible sentence)? Yes <input type="checkbox"/> No <input type="checkbox"/></p> |
| 1.12 Number and sex of defendants | <p>Total:</p> <p>Male:</p> <p>Female:</p> |
| 1.13 Timing | <p>Did the hearing begin late? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>1.13.1 If so why:</p> <p>Judge was late <input type="checkbox"/></p> <p>Prosecutor was late <input type="checkbox"/></p> <p>Defense counsel was late <input type="checkbox"/></p> <p>Defendant was late <input type="checkbox"/></p> <p>Continuation of other hearing in the courtroom <input type="checkbox"/></p> <p>One of the parties was involved in other process <input type="checkbox"/></p> <p>Other <input type="checkbox"/></p> <p>Comments:</p> <p>1.13.2 For how long was it delayed: _____</p> |

| 2. RIGHT TO A PUBLIC HEARING | |
|--|--|
| 2.1 Was a notice of the hearing posted outside the courtroom? | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Other comments:</p> |
| 2.2 Closed hearing | <p>2.2 Was the hearing closed? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>2.2.1 How did the monitor learn that the hearing was closed?</p> <p>The judge made an announcement: <input type="checkbox"/></p> <p>It was indicated by the court guard: <input type="checkbox"/></p> <p>It was indicated by one of the parties: <input type="checkbox"/></p> |

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| interrogated without a lawyer present? | If yes, please explain: |
| 3.3 Was there anything to suggest that threats were made to coerce the accused into confessing to the alleged crime? | Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> If yes, please explain: |
| 3.4 Was there anything to suggest that violence or torture were used to coerce the accused into confessing to the alleged crime? | Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> If yes, please explain: |
| 3.5 Was there anything to suggest that there was any pressure put on the defendant in relation to the plea (e.g. sexual harassment, or public shaming) | Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> If yes, please explain: |

| 4. THE RIGHT TO UNDERSTAND THE NATURE OF CHARGE AND EXPLANATION OF RIGHTS | |
|---|---|
| 4.1 Was the hearing opened for the first time, or was it continued from a previous session? | Yes <input type="checkbox"/> No <input type="checkbox"/> If the hearing was opened for the first time, please fill in the paragraphs below. If it was continued from a previous session, go to the section 5. |
| 4.2 Did the Judge state the charge(s)? | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| 4.3 Did the Judge/secretary state the parties involved? | Yes <input type="checkbox"/> No <input type="checkbox"/> Other comments: |
| 4.4 If required, was an interpreter provided? | Yes <input type="checkbox"/> No <input type="checkbox"/> Was not necessary <input type="checkbox"/> Other comments: |
| 4.5 If required, were provisions made for disabilities? | Yes <input type="checkbox"/> No <input type="checkbox"/> Was not necessary <input type="checkbox"/> 4.5.1 If yes, was this for: Hearing <input type="checkbox"/> Vision <input type="checkbox"/> Other <input type="checkbox"/> |

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| | Other comments: |
| 4.6 Did the Judge inform the defendant about his/her right to legal representation, and explain what this meant? | Yes <input type="checkbox"/> No <input type="checkbox"/> Other comments: |
| 4.7 Did the Judge inform the defendant about his/her right to make an application to recuse the judge, and explain what this meant? | Yes <input type="checkbox"/> No <input type="checkbox"/> Other comments: |
| 4.8 Did the Judge inform the defendant that, notwithstanding his/her confession, he/she is not bound by that confession and has the right to remain silent? | Yes <input type="checkbox"/> No <input type="checkbox"/> Other comments: |
| 4.9 Did the judge comprehensively explain to the accused his/her rights? | Yes <input type="checkbox"/> No <input type="checkbox"/> Comments |
| 4.10 Clarity of explanations | Yes <input type="checkbox"/> No <input type="checkbox"/> Comments: |

| 5. RIGHTS CONCERNING PLEA AGREEMENT | |
|--|---|
| 5.1 Did the judge make sure that the plea agreement was not a result of coercion, intimidation or other promise to a defendant which exceeds the scope of the plea agreement? | Yes <input type="checkbox"/> No <input type="checkbox"/> Other comments: 5.1.2 If yes, was it based on the characteristics of the defendant (e.g. gender, ethnicity, sexuality), and/or for any discriminatory reason? Yes <input type="checkbox"/> No <input type="checkbox"/> Other comments: |
| 5.2 Did the judge make sure that the defendant fully acknowledged the crime to which he/she plead guilty? | Yes <input type="checkbox"/> No <input type="checkbox"/> Other comments: |

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| | |
| <p>5.3 Did the judge make sure that the defendant fully acknowledged the possible sentence for the crime to which he/she plead guilty?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Other comments:</p> |
| <p>5.4 Did the judge make sure that the defendant acknowledged that if the court does not approve the plea agreement, it is prohibited to use information provided by the defendant under the plea agreement against him/her in the future?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Other comments:</p> |
| <p>5.5 Did the judge make sure that torture, inhumane or degrading treatment was not exercised on the defendant by the police or other law enforcement agency representatives?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>5.5.1: If yes, was this related to any characteristic of the defendant (e.g. gender, ethnicity, sexuality)?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, please explain:</p> <p>Other comments:</p> |
| <p>5.6 Did the judge inform the defendant that should he/she decide to file a complaint about being subjected to torture, inhumane or degrading treatment, it would not delay a plea agreement which was concluded in compliance with the law?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Other comments:</p> |
| <p>5.7 Did the judge inform the defendant of the right to have his/her case examined in a substantial hearing by</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> |

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| the court? | Other comments: |
| 5.8 Did the judge make sure that the defendant was provided with sufficient legal aid before approving the plea agreement? | Yes <input type="checkbox"/> No <input type="checkbox"/> Other comments: 5.8.1 If no, is there is anything to suggest that the lack of sufficient legal aid is related to the characteristics of the defendant, and/or was withheld for any discriminatory reason? Yes <input type="checkbox"/> No <input type="checkbox"/> Other comments: |
| 5.9 Did the judge make sure that all the terms agreed upon between the defendant and the prosecution were reflected in the content of the plea agreement? | Yes <input type="checkbox"/> No <input type="checkbox"/> Other comments: |

| 6. PLEA AGREEMENT | |
|---|---|
| 6.1 At what stage of the process was the plea bargain reached? | <input type="checkbox"/> preventative measures <input type="checkbox"/> pre-trial hearings <input type="checkbox"/> prior to substantial review <input type="checkbox"/> during substantial review <input type="checkbox"/> at appellate court <input type="checkbox"/> other 6.1.1 What was the maximum sentence or penalty that could be imposed if the defendant was convicted at trial? ----- 6.1.2 What the sentence or penalty imposed in exchange for a guilty plea? ----- 6.1.3 Was the plea agreement the result of cooperation with investigative bodies? Yes <input type="checkbox"/> No <input type="checkbox"/> |
| 6.2 What role did the judge play in obtaining a plea agreement? | The judge initiated the plea agreement <input type="checkbox"/> The judge played an active role in reaching a plea agreement <input type="checkbox"/> Please describe all the relevant circumstances: 6.2.1 Was it the judge's initiative to postpone the hearing, in order to reach a plea |

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| 6.3 Was the accused questioned during the hearing? | <p>agreement? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>6.2.2 Did the judge make any efforts to determine the appropriateness of the sentence? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Please be specific:</p> <p>6.2.3 Was there any dispute as to the fairness of the plea agreement? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>6.2.4 If yes, did the judge resolve and respond to the dispute? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Please be specific:</p> <p>6.2.5 Did judge make any comment in relation to the characteristics of the defendant or the victim (e.g. gender, ethnicity, sexuality)? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, please specify what this was:</p> <p>6.3 Yes <input type="checkbox"/> No <input type="checkbox"/> The accused only confessed <input type="checkbox"/></p> <p>Comment:</p> |
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| 7. RIGHT TO LIBERTY AND TO BE TRIED WITHOUT UNDUE DELAY | |
|--|---|
| 7.1 Was the defendant brought to the court from a place of detention? | Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> |
| 7.2 What was the measure imposed, if any? | Bail <input type="checkbox"/> Imprisonment <input type="checkbox"/> Personal warranty <input type="checkbox"/> Written obligation of residence and due conduct <input type="checkbox"/> Command probation over military servant <input type="checkbox"/> Unknown <input type="checkbox"/> |

| 8. JUDGMENT | |
|--|--|
| 8.1 Was the judgment announced in public? | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| | If no, please comment: |
| 8.2 Did the Judge refer to the applicable law when announcing the judgment? | Yes <input type="checkbox"/> No <input type="checkbox"/> |

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| | Comment: |
| 8.3 Did the judge inform the defendant about his right to an appeal, and the procedure involved ? | Yes <input type="checkbox"/> No <input type="checkbox"/> Comment: |

| 9. SENTENCE | |
|---|---|
| 9.1 Type of sentence: | Unknown <input type="checkbox"/> Fine <input type="checkbox"/> Deprivation of the right to occupy a position or pursue a particular activity <input type="checkbox"/> Community sanction <input type="checkbox"/> Corrective labour <input type="checkbox"/> Professional restriction of a military servant <input type="checkbox"/> Restriction of freedom <input type="checkbox"/> Imprisonment for a specific term <input type="checkbox"/> Life imprisonment <input type="checkbox"/> Deprivation of property <input type="checkbox"/> Restricting the rights in relation to the weapon <input type="checkbox"/> House Arrest <input type="checkbox"/> 9.1.1 Please specify the length of the sentence: |
| 9.2 If the sentence was of imprisonment, was pre-trial detention taken into account? | Yes <input type="checkbox"/> No <input type="checkbox"/> |

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| <p>9.3 Was the sentence affected by any characteristic of the defendant or the victim (such as gender, ethnicity, sexuality, etc), and/or was there any discrimination involved in the sentence?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>9.3.1 If yes, what was the effect on the sentence?</p> <p>aggravate <input type="checkbox"/> mitigate <input type="checkbox"/></p> <p>9.3.2 Please provide details:</p> |
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10. INDEPENDENCE, IMPARTIALITY, BIAS, AND CONDUCT OF THE JUDGE

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| <p>10.1 Did the judge use intimidation or take any other informal action against any of the parties? (e.g. switching off their microphone, or altering the transcript)</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>10.1.1 If yes, please explain what:</p> |
| <p>10.2 Did the judge give any instructions to either party?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>10.2.1 If yes, to which party? Prosecution <input type="checkbox"/> Defense <input type="checkbox"/> Both <input type="checkbox"/></p> <p>10.2.2 If yes, please explain what the instructions were:</p> |
| <p>10.3 Was there anything to indicate that the judge was not listening properly?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>10.3.1 If yes, please explain what:</p> |
| <p>10.4 Did the judge make any comments about any of the parties, that suggested negative assumptions about them based on any discriminatory characteristic (such as gender, ethnicity, sexuality, etc)? This includes phrases that could be</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>10.4.1 If yes, what characteristic did the judge make a negative comment(s) about? Gender <input type="checkbox"/> Ethnicity <input type="checkbox"/> Nationality <input type="checkbox"/> Sexuality <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Other <input type="checkbox"/></p> <p>10.4.2 If yes, please explain what the comment(s) were:</p> |

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| perceived as sexist, racist or homophobic. | |
| 10.5 Other than anything noted above, was there anything to suggest that the judge was biased? | Yes <input type="checkbox"/> No <input type="checkbox"/> 10.5.1 If yes, please explain why: 10.5.2 If the judge had an interest in the case, what was it? Familial <input type="checkbox"/> Political <input type="checkbox"/> Financial <input type="checkbox"/> Other <input type="checkbox"/> 10.5.3 If a judge did have an interest, please explain fully what it was: |
| 10.6 Was there a request for recusal by either party? | Yes <input type="checkbox"/> No <input type="checkbox"/> 10.6.1 If yes, by which party? Prosecution <input type="checkbox"/> Defense <input type="checkbox"/> Both <input type="checkbox"/> 10.6.2 If yes, was the request granted? |
| 10.7 Did a judge withdraw from a case by recusing himself/herself when this was necessary due to bias or a perception of bias? | Yes <input type="checkbox"/> No <input type="checkbox"/> |

| 11. OTHER | |
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| 11.1 Presence of defense counsel | 11.1.1 Was counsel for the defense present? Yes <input type="checkbox"/> No <input type="checkbox"/> 11.1.2.f defense counsel was not present, did legislation require a lawyer's presence at this stage of the proceedings? Yes <input type="checkbox"/> No <input type="checkbox"/> 11.1.3 If defense counsel was not present, and legislation did not require it, was a lawyer's presence nevertheless still necessary? Yes <input type="checkbox"/> No <input type="checkbox"/> |

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| | <p>11.1.4 If yes, please explain why:</p> |
| <p>11.2 Preparedness and quality of prosecution</p> | <p>Was the prosecution prepared?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/></p> <p>11.2.1 Did the prosecutor state strong arguments?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/></p> <p>Please support your opinion with specific examples:</p> <p>11.2.2 Did the prosecutor demonstrate knowledge of the facts of the case?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/></p> <p>Please support your opinion with <u>specific</u> examples:</p> <p>11.2.3 Did the prosecutor present demonstrate knowledge of the law involved in the case?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/></p> <p>Please support your opinion with specific examples:</p> <p>11.2.4 Did the prosecutor communicate and co-ordinate well with the victim?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>Please support your opinion with specific examples:</p> <p>11.2.5 Did the Prosecutor refer to a motive for committing a crime?</p> |

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| | <p>Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>Give an example of the motive the Prosecutor emphasized on:</p> |
| <p>11.3 Preparedness and quality of defense</p> | <p>Was the defense prepared?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/></p> <p>11.3.1 Did the defense state strong arguments?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/></p> <p>Please support your opinion with <u>specific</u> examples:</p> <p>11.3.2 Did counsel for the defense demonstrate knowledge the facts of the case?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/></p> <p>Please support your opinion with <u>specific</u> examples:</p> <p>11.3.3 Did counsel for the demonstrate knowledge the law involved in the case?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/></p> <p>Please support your opinion with specific examples:</p> <p>11.3.4 Did counsel for the defense communicate and co-ordinate well with the defendant?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>Please support your opinion with specific examples</p> |

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| <p>11.4 Technical problems</p> | <p>11.4 Were there any technical problems during the hearing?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, please state the nature of technical problem: _____</p> <p>11.4.1 Did anyone mention the problem?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Comment:</p> <p>11.4.2 Please comment on judge's response:</p> <p>11.4.3 Was any person involved in the proceedings who had a disability hampered in any way by any technical issues?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If so, please provide details</p> |

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| <p>12. OTHER COMMENTS REGARDING JUDGE, PROSECUTOR, DEFENDANT, DEFENSE COUNSEL OR THE PLEA AGREEMENT</p> | |
| <p></p> | |

Questionnaire of jury selection

| 1. GENERAL INFORMATION | |
|-------------------------|--|
| 1.1 Date of Monitoring: | Duration of process: |
| 1.2 Court Monitor: | Female: <input type="checkbox"/> Male: <input type="checkbox"/> |
| 1.3 Court: | |
| 1.4 Judge: | Female: <input type="checkbox"/> Male: <input type="checkbox"/> |
| 1.5 Prosecutor: | Female: <input type="checkbox"/> Male: <input type="checkbox"/> |
| 1.6 Defendant: | <p>Name:</p> <p>Age: Adult: <input type="checkbox"/> Juvenile: <input type="checkbox"/></p> <p>Education: Incomplete Secondary Education <input type="checkbox"/> Secondary Education <input type="checkbox"/> Higher Education <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>Was the defendant present: Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Nationality: Georgian: <input type="checkbox"/> Azeri: <input type="checkbox"/> Armenian: <input type="checkbox"/> Turkish: <input type="checkbox"/> Other: <input type="checkbox"/> - please specify:</p> <p>Religion: Christian: <input type="checkbox"/> Muslim: <input type="checkbox"/> Atheist: <input type="checkbox"/> Agnostic: <input type="checkbox"/> Other: <input type="checkbox"/> Unknown: <input type="checkbox"/></p> <p>Ethnicity: Abkhazian: <input type="checkbox"/> Armenian: <input type="checkbox"/> Azeri: <input type="checkbox"/> Georgian: <input type="checkbox"/> Greek: <input type="checkbox"/> Kist: <input type="checkbox"/> Ossetian: <input type="checkbox"/> Turkish: <input type="checkbox"/> Roma: <input type="checkbox"/> Russian: <input type="checkbox"/> Ukrainian: <input type="checkbox"/> Yazidi: <input type="checkbox"/> Other: <input type="checkbox"/> - please specify: Unknown: <input type="checkbox"/></p> <p>Language: Azeri: <input type="checkbox"/> Armenian: <input type="checkbox"/> Georgian: <input type="checkbox"/> Russian: <input type="checkbox"/> Turkish: <input type="checkbox"/> Other: <input type="checkbox"/> - please specify</p> <p>Sexual Orientation: Heterosexual: <input type="checkbox"/> Homosexual: <input type="checkbox"/> Bisexual: <input type="checkbox"/> Unknown: <input type="checkbox"/></p> <p>Disabilities: Yes: <input type="checkbox"/> None: <input type="checkbox"/> If yes, please specify: Psycho-social: <input type="checkbox"/> physical: <input type="checkbox"/></p> |
| 1.7 Defense counsel | <p>1.7 Was defense counsel present? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>1.7.1 Female: <input type="checkbox"/> Male: <input type="checkbox"/></p> <p>1.7.2. Appointed by the state? Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>1.7.3. Required because of article charged? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>1.7.4 Private defense counsel? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>1.7.5 Is the defendant represented by multiple defense counsels?</p> |

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| | <p>1.7.6 Does any defense counsel represent more than one defendant? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>1.7.7 If yes, is there any conflict of interests between two or more defendants, represented by the same defense counsel? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Other comments:</p> |
| 1.8 Code article(s) involved | |
| 1.9 Charge: | Less grave crime <input type="checkbox"/> Grave crime <input type="checkbox"/> Especially grave crime <input type="checkbox"/> Gender related crime <input type="checkbox"/> Discrimination related crime <input type="checkbox"/> |
| 1.10 Political affiliation of defendant | United National Movement <input type="checkbox"/> Georgian Dream <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/> Other comments: |
| 1.11 Was the charge changed after the defendant's first appearance before the court? | Yes <input type="checkbox"/> No <input type="checkbox"/> 1.11.1 If yes, did the Judge state the changed charge(s) (articles, range and type of possible sentence)? Yes <input type="checkbox"/> No <input type="checkbox"/> |
| 1.12 Number and sex of defendants | Total: Male: Female: |
| 1.13 Timing | Did the hearing begin late? Yes <input type="checkbox"/> No <input type="checkbox"/> 1.13.1 If so why: Judge was late <input type="checkbox"/> Prosecutor was late <input type="checkbox"/> Defense counsel was late <input type="checkbox"/> Defendant was late <input type="checkbox"/> Continuation of other hearing in the courtroom <input type="checkbox"/> One of the parties was involved in other process <input type="checkbox"/> Other <input type="checkbox"/> Comments: 1.13.2 For how long was it delayed: _____ |

| 2. Opening of the jury selection hearing | |
|---|---|
| 2.1 Did anyone reveal the identity of the jurors? | Yes <input type="checkbox"/> No <input type="checkbox"/> Not of everyone <input type="checkbox"/> 2.1.1 If yes, who revealed the identity(ies)? Judge <input type="checkbox"/> Other court personnel: <input type="checkbox"/> Prosecution: <input type="checkbox"/> Defence: <input type="checkbox"/> Other: <input type="checkbox"/> If 'other' please specify: |
| 2.2 How many juror candidates were present? | Number: ----- |
| 2.3 Please provide details of how many jurors fell into the following categories, by filling in the boxes with the | Sex: Male <input type="checkbox"/> Female <input type="checkbox"/> Unknown <input type="checkbox"/> Nationality: |

| | |
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| appropriate number: | <p>Georgian: <input type="checkbox"/> Azeri: <input type="checkbox"/> Armenian: <input type="checkbox"/> Turkish: <input type="checkbox"/> Other: <input type="checkbox"/> - please specify: Unknown <input type="checkbox"/></p> <p>Religion: Christian: <input type="checkbox"/> Muslim: <input type="checkbox"/> Atheist: <input type="checkbox"/> Agnostic: <input type="checkbox"/> Other: <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>Ethnicity: Abkhazian: <input type="checkbox"/> Armenian: <input type="checkbox"/> Azeri: <input type="checkbox"/> Georgian: <input type="checkbox"/> Greek: <input type="checkbox"/> Kist: <input type="checkbox"/> Ossetian: <input type="checkbox"/> Turkish: <input type="checkbox"/> Roma: <input type="checkbox"/> Russian: <input type="checkbox"/> Ukrainian: <input type="checkbox"/> Yazidi: <input type="checkbox"/> Other: <input type="checkbox"/> - please specify: Unknown <input type="checkbox"/></p> <p>Language: Azeri: <input type="checkbox"/> Armenian: <input type="checkbox"/> Georgian: <input type="checkbox"/> Russian: <input type="checkbox"/> Turkish: <input type="checkbox"/> Other: <input type="checkbox"/> - please specify Unknown <input type="checkbox"/></p> <p>Disabilities: Yes: <input type="checkbox"/> None: <input type="checkbox"/> If yes, please specify: Unknown <input type="checkbox"/></p> |
| 2.4 Did the judge state himself and the clerk? | Yes <input type="checkbox"/> No <input type="checkbox"/> Comment: |
| 2.5 Did the judge explain to the juror candidates the reason for their presence? | Yes <input type="checkbox"/> No <input type="checkbox"/> Comment: |
| 2.6 Did the judge announce the case to be heard? | Yes <input type="checkbox"/> No <input type="checkbox"/> Comment: |
| 2.7 Did the judge explain the nature of the charge to the juror candidates? | Yes <input type="checkbox"/> No <input type="checkbox"/> Comment: |
| 2.8 Did the judge instruct the juror candidates about the law to be applied during trial? | 2.8.1 Yes <input type="checkbox"/> No <input type="checkbox"/> Comment: 2.8.2 If so, did the judge give the juror candidates the prepared instructions on the applicable law? Yes <input type="checkbox"/> No <input type="checkbox"/> Comment: |
| 2.9. Parties' position on the instructions | Did the parties make motions on changes or amendments to the instructions? Yes <input type="checkbox"/> No <input type="checkbox"/> 2.9.1 If yes, which party: Prosecution <input type="checkbox"/> Defense <input type="checkbox"/> 2.9.2 If yes, what was the motion that was made? |
| 2.10 Did the judge state the parties involved? | Yes <input type="checkbox"/> No <input type="checkbox"/> Comment: |

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| | |
| 2.11 Did judge instruct the jury about avoiding discrimination against the parties? | Yes <input type="checkbox"/> No <input type="checkbox"/> Comment: |
| 2.12 Reaction of the juror candidates | Did any juror candidates ask a question or make any remark ? Yes <input type="checkbox"/> No <input type="checkbox"/> 2.12.1 If so, what did they say? |

| 3. SELECTION OF JURORS | |
|--|---|
| 3.1. Did the prosecution ask any of the juror candidates any questions? | Yes <input type="checkbox"/> No <input type="checkbox"/> 3.1.1 If yes, did the prosecutor ask whether the juror candidate had been informed about the facts before trial? 3.1.2. If yes, did the prosecutor ask the juror candidate about his/her social status? Yes <input type="checkbox"/> No <input type="checkbox"/> If so, what was the question about (tick all of the boxes that apply)? Marital status <input type="checkbox"/> Education <input type="checkbox"/> Job <input type="checkbox"/> Religion <input type="checkbox"/> Sexual orientation <input type="checkbox"/> Political affiliation <input type="checkbox"/> Victim status <input type="checkbox"/> 3.1.3 Did the prosecutor ask other questions? Yes <input type="checkbox"/> No <input type="checkbox"/> 3.1.4 If yes, what kind of questions? |
| 3.2. Did the defense party ask any questions to the juror candidates? | Yes <input type="checkbox"/> No <input type="checkbox"/> 3.2.1 If yes, did the defense ask whether the juror candidate had been informed about the facts before the trial? 3.2.2. If yes, did the defense ask the juror candidate about his/her social status? Yes <input type="checkbox"/> No <input type="checkbox"/> If so, what was the question about (tick all of the boxes that apply)? Marital status <input type="checkbox"/> Education <input type="checkbox"/> |

| | |
|--|---|
| | <p>Job <input type="checkbox"/></p> <p>Religion <input type="checkbox"/></p> <p>Sexual orientation <input type="checkbox"/></p> <p>Political affiliation <input type="checkbox"/></p> <p>Victim status <input type="checkbox"/></p> <p>3.2.3 Did the defence ask other other questions?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>3.2.4 If yes, what kind of questions?</p> |
| <p>3.3. Did the judge ask questions to the juror candidates?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>3.3.1 If yes, did the judge ask whether the juror candidate had been informed about the facts before trial?</p> <p>3.3.2. If yes, did the judge ask the juror candidate about his/her social status?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If so, what was the question about (tick all of the boxes that apply)?</p> <p>Marital status <input type="checkbox"/></p> <p>Education <input type="checkbox"/></p> <p>Job <input type="checkbox"/></p> <p>Religion <input type="checkbox"/></p> <p>Sexual orientation <input type="checkbox"/></p> <p>Political affiliation <input type="checkbox"/></p> <p>Victim status <input type="checkbox"/></p> <p>3.3.3 Did the judge ask other questions?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>3.3.4 If yes, what kind of questions?</p> |
| <p>3.4. Did any party present materials on substantiated challenge?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>3.4.1 If yes, which party?</p> <p>Prosecution <input type="checkbox"/></p> <p>Defense <input type="checkbox"/></p> <p>3.4.2 If yes, indicate what material was presented?</p> <p>3.4.3 If yes, was the material related to any characteristic of the juror that was discriminatory (such as sex, ethnicity or sexuality)?</p> |
| <p>3.5 Did the juror candidates</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> |

| | |
|--|--|
| make a motion(s) of recusal? | <p>3.5.1 If yes, how many? ____</p> <p>3.5.2 If yes, please set out the grounds of the motion:</p> |
| 3.6. Parties' position on the recusal | <p>3.6.1 Defense:</p> <p>3.6.2 Prosecution:</p> <p>3.6.3 Was the recusal granted by the judge?</p> <p style="padding-left: 40px;">Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>3.6.4. If yes, please indicate the grounds of the decision</p> |
| 3.7. How many peremptory challenges were made by the prosecution? | <p>Number:</p> <p>3.7.1 Is there any indication that peremptory challenges were related to discriminatory characteristics of the juror, such as sex, ethnicity or sexuality?</p> <p>3.7.2 If yes, please be specific –</p> |
| 3.8. How many peremptory challenges were made by the defense? | <p>Number:</p> <p>3.8.1 Is there any indication that peremptory challenges were related to discriminatory characteristics of the juror, such as sex, ethnicity or sexuality?</p> <p>3.8.2 If yes, please be specific –</p> |
| 3.9. The number of selected jurors | <p>Number:</p> |
| 3.10 Were the alternative jurors selected? | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>3.10.1 If yes, how many?</p> |
| 3.11 Were any potential jurors excluded on the basis of a disability? | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>3.11.1 If yes, please give further details:</p> |
| 3.12 Date of the trial | <p>Date:</p> |

4. PRESUMPTION OF INNOCENCE

4.1 Were any statements made by the judge about the guilt of the accused?

Yes No

If yes, which party:

Prosecution Defense Judge

Other comments

4.1.1 If yes, what was the basis of violating the presumption of innocence?

Discrimination based on gender Discrimination based on ethnicity

Discrimination based on religion Discrimination based on sexuality

Criminal record of the defendant Other

If 'other', please explain:

4.2 Were any negative statements made by either counsel about the defendant or any witness, which attacked them based on some discriminatory characteristic ?

Yes No

4.2.1 If yes, which party?

Prosecution Defence Both Judge

4.2.2 If yes, please explain what was said:

4.2.3 If yes, please describe the reaction of the judge:

Disapproval of the statement No reaction Endorsing the statement Other

If 'other', please explain:

4.2.4 If yes, please describe the reaction of counsel for the other party:

Disapproval of the statement No reaction Endorsing the statement Other

If 'other', please explain:

Substantial Review Hearing

| 1. GENERAL INFORMATION | |
|-------------------------|--|
| 1.1 Date of Monitoring: | Duration of process: |
| 1.2 Court Monitor: | Female: <input type="checkbox"/> Male: <input type="checkbox"/> |
| 1.3 Court: | |
| 1.4 Judge: | Female: <input type="checkbox"/> Male: <input type="checkbox"/> |
| 1.5 Prosecutor: | Female: <input type="checkbox"/> Male: <input type="checkbox"/> |
| 1.6 Defendant: | <p>Name:</p> <p>Age: Adult: <input type="checkbox"/> Juvenile: <input type="checkbox"/></p> <p>Education: Incomplete Secondary Education <input type="checkbox"/> Secondary Education <input type="checkbox"/> Higher Education <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>Was the defendant present: Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Nationality: Georgian: <input type="checkbox"/> Azeri: <input type="checkbox"/> Armenian: <input type="checkbox"/> Turkish: <input type="checkbox"/> Other: <input type="checkbox"/> - please specify:</p> <p>Religion: Christian: <input type="checkbox"/> Muslim: <input type="checkbox"/> Atheist: <input type="checkbox"/> Agnostic: <input type="checkbox"/> Other: <input type="checkbox"/> Unknown: <input type="checkbox"/></p> <p>Ethnicity: Abkhazian: <input type="checkbox"/> Armenian: <input type="checkbox"/> Azeri: <input type="checkbox"/> Georgian: <input type="checkbox"/> Greek: <input type="checkbox"/> Kist: <input type="checkbox"/> Ossetian: <input type="checkbox"/> Turkish: <input type="checkbox"/> Roma: <input type="checkbox"/> Russian: <input type="checkbox"/> Ukrainian: <input type="checkbox"/> Yazidi: <input type="checkbox"/> Other: <input type="checkbox"/> - please specify: Unknown: <input type="checkbox"/></p> <p>Language: Azeri: <input type="checkbox"/> Armenian: <input type="checkbox"/> Georgian: <input type="checkbox"/> Russian: <input type="checkbox"/> Turkish: <input type="checkbox"/> Other: <input type="checkbox"/> - please specify</p> <p>Sexual Orientation: Heterosexual: <input type="checkbox"/> Homosexual: <input type="checkbox"/> Bisexual: <input type="checkbox"/> Unknown: <input type="checkbox"/></p> <p>Disabilities: Yes: <input type="checkbox"/> None: <input type="checkbox"/> If yes, please specify: Psycho-social: <input type="checkbox"/> physical: <input type="checkbox"/></p> |
| 1.7 Defense counsel | <p>1.7 Was defense counsel present? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>1.7.1 Female: <input type="checkbox"/> Male: <input type="checkbox"/></p> <p>1.7.2. Appointed by the state? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>1.7.3. Required because of article charged? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>1.7.4 Private defense counsel? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>1.7.5 Is the defendant represented by multiple defense counsels? Yes <input type="checkbox"/> No <input type="checkbox"/></p> |

| | |
|---|--|
| | <p>1.7.6 Does any defense counsel represent more than one defendant? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>1.7.7 If yes, is there any conflict of interests between two or more defendants, represented by the same defense counsel? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Other comments:</p> |
| 1.8 Code article(s) involved | |
| 1.9 Charge: | <p>Less grave crime <input type="checkbox"/> Grave crime <input type="checkbox"/> Especially grave crime <input type="checkbox"/></p> <p>Gender related crime <input type="checkbox"/> Discrimination related crime <input type="checkbox"/></p> <p>Specify:</p> |
| 1.10 Political affiliation of defendant | <p>United National Movement <input type="checkbox"/> Georgian Dream <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>Other comments:</p> |
| 1.11 Number and sex of defendants | <p>Total: Male: Female:</p> |
| 1.12 Was the charge changed after the defendant's first appearance before the court? | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>1.12.1 If yes, did the Judge state the changed charge(s) (articles, range and type of possible sentence)? Yes <input type="checkbox"/> No <input type="checkbox"/></p> |
| 1.13 Timing | <p>Did the hearing begin late? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>1.13.1 If so why: Judge was late <input type="checkbox"/> Prosecutor was late <input type="checkbox"/> Defense counsel was late <input type="checkbox"/> Defendant was late <input type="checkbox"/> Continuation of other hearing in the courtroom <input type="checkbox"/> One of the parties was involved in other process <input type="checkbox"/> Other <input type="checkbox"/></p> <p>Other comments:</p> <p>1.13.2 For how long was it delayed:</p> |

| 2. Taking of oath by Jurors | |
|---|--|
| 2.1 Was a jury foreperson elected? | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>2.1.1 If yes, how was the vote made?</p> |
| 2.2 Did the jurors take the oath? | <p>Yes <input type="checkbox"/> No <input type="checkbox"/> Not everyone <input type="checkbox"/></p> <p>2.2.1 If yes, did the jurors have a choice between religious and non-religious oaths?</p> |

| 3. Notification of rights and obligations to jurors | |
|---|--|
| 3.1 After the oath, did the judge notify the jurors of their rights and obligations? | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>3.1.1. If yes, Did (s)he notify them that they have the following rights:</p> <p>a) Upon submitting a written request, to receive instructions on the applicable law from the court?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>b) To receive additional explanation i) from the presiding judge in the course of a trial on applicable law, ii) from witnesses on factual circumstances, and iii) from parties regarding their closing arguments?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>c) To receive additional explanations on law from the court during their deliberations?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>3.1.2. If the judge did notify the jurors of their rights and obligations, did (s)he explain that they are not allowed to:</p> <p>a) Leave the courtroom during the trial?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>b) Disclose information received in the course of a trial, or express a personal opinion on the case under consideration before announcement of the verdict?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>c) Communicate with anybody about the case or related issues, except the presiding judge?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>d) Obtain case-related information outside the trial?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>e) Violate the secrecy of the jury deliberation or voting?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>f) Violate public order inside the courthouse and ignore relevant instructions of the presiding judge.</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>g) Fail to attend case-related hearings and a jury deliberation?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> |
| 3.2. Did the judge notify the jurors about their responsibilities in the case of a | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> |

| | |
|---|--|
| breach their obligations? | |
| 3.3. Did the judge notify the jurors that if they failed to observe the jury duties stipulated by the Code, the judge would release them from jury duty? | Yes <input type="checkbox"/> No <input type="checkbox"/> |

| 4. Instructions for Jury | |
|--|---|
| 4.1 Did the judge instruct the jury upon commencement of the hearing? | Yes <input type="checkbox"/> No <input type="checkbox"/> 4.1.1 If yes, did (s)he explain the following? a) The content of the charge and its legal basis Yes <input type="checkbox"/> No <input type="checkbox"/> b) The main rule for evaluating the evidence (that any doubt during the deliberation should be decided in favor of defendant) Yes <input type="checkbox"/> No <input type="checkbox"/> c) That a guilty verdict should be based on the law which they were instructed by the presiding judge and on the doubtless evidence examined during trial Yes <input type="checkbox"/> No <input type="checkbox"/> d) That during trial they have the right to make and use records Yes <input type="checkbox"/> No <input type="checkbox"/> e) That their verdict should be based only on the evidence heard during the trial. Yes <input type="checkbox"/> No <input type="checkbox"/> f) That no piece of evidence should be taken into consideration by another's instruction Yes <input type="checkbox"/> No <input type="checkbox"/> g) That their verdict should not be based on inadmissible or probable evidence Yes <input type="checkbox"/> No <input type="checkbox"/> h) The rule for arriving at a verdict for each of the charges: first, vote on a not guilty verdict on each of the counts of charges, and if no verdict is reached, then on a guilty verdict (in the order of the sequential increase of guilt) Yes <input type="checkbox"/> No <input type="checkbox"/> i) That they should sign only one verdict submitted for each of the counts of indictment, and in 'not guilty' or 'guilty' form. Yes <input type="checkbox"/> No <input type="checkbox"/> |
| 4.2. Did the judge remind the jurors that they took the oath? | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| 4.3. Did the judge instruct the jurors before they retired to the deliberations room? | Yes <input type="checkbox"/> No <input type="checkbox"/> Partially <input type="checkbox"/> 4.3.1 If partially, please indicate which instruction was missed: |
| 4.4 Were the jurors given instructions in written form? | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| 4.5. Did the parties make motions on changes or | Yes <input type="checkbox"/> No <input type="checkbox"/> |

| | |
|---|---|
| <p>amendments to the instructions?</p> | <p>4.5.1 If yes, which party: Defence <input type="checkbox"/> Prosecution <input type="checkbox"/></p> <p>4.5.2 If yes, please state what the motion/proposed change was:</p> |
| <p>4.6 Did a party make the motion that the defendant may have committed a less serious crime, and that the jury should be instructed on this crime as well?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>4.6.1 If yes, did the judge grant the motion: Yes <input type="checkbox"/> No <input type="checkbox"/></p> |
| <p>3.7. Did the judge express his/her personal opinion on the issues that are to be decided by the jury?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>4.7.1 If yes, what was the opinion?</p> |
| <p>4.8 Did judge make any statement related to the characteristics of the defendant/victim/witness in presence of jurors (e.g. based on their gender, ethnicity, or sexuality)?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>4.8.1 If yes, what did the statement relate to? Gender <input type="checkbox"/> Ethnicity <input type="checkbox"/> Nationality <input type="checkbox"/> Sexuality <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Criminal record <input type="checkbox"/> Other <input type="checkbox"/></p> <p>4.8.2 If 'other' please specify:</p> |
| <p>4.9 Did either counsel make any statement related to the characteristics of the defendant/victim/witness in presence of jurors (e.g. based on their gender, ethnicity, or sexuality)?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>4.9.1 If yes, what did the statement relate to? Gender <input type="checkbox"/> Ethnicity <input type="checkbox"/> Nationality <input type="checkbox"/> Sexuality <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Criminal record <input type="checkbox"/> Other <input type="checkbox"/></p> <p>4.9.2 If 'other' please specify:</p> <p>4.9.3 If yes, please describe the reaction of the judge: Disapproval of the statement <input type="checkbox"/> No reaction <input type="checkbox"/> Endorsing the statement <input type="checkbox"/> Other <input type="checkbox"/> If 'other', please explain:</p> <p>4.9.4 If yes, please describe the reaction of counsel for the other party: Disapproval of the statement <input type="checkbox"/> No reaction <input type="checkbox"/> Endorsing the statement <input type="checkbox"/> Other <input type="checkbox"/> If 'other', please explain:</p> |
| <p>4.10 Were the jurors given the relevant protocol before retiring to the deliberations room?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> |

5. Motion or statement of Jurors

5.1 Did a juror make a motion or statement?

Yes No

5.1.1. If yes, please indicate what it was:

5.1.2 If yes, how was it made?

In writing Orally

5.1.3 If yes, did the motion or statement relate to any discriminatory characteristic of the defendant/victim?

Yes No

5.1.4 If so, what did it relate to?

Gender Ethnicity Nationality Sexuality Religion Disability
Criminal record Other

5.1.5 If 'other' please specify:

5.1.6 If a juror did make a motion or statement, what was the position of the defence in regard to the motion / statement?

5.1.7 If a juror did make a motion or statement, what was the position of the prosecution in regard to the motion / statement?

5.1.8 If a juror did make a motion or statement, what was the ruling of the judge in regard to the motion / statement?

PREVENTATIVE MEASURES CHECKLIST - APPEAL

| 1. GENERAL INFORMATION | |
|-------------------------|---|
| 1.1 Date of Monitoring: | Duration of process: |
| 1.2 Court Monitor: | Female: <input type="checkbox"/> Male: <input type="checkbox"/> |
| 1.3 Court: | |
| 1.4 Judge: | Female: <input type="checkbox"/> Male: <input type="checkbox"/> |
| 1.5 Prosecutor: | Female: <input type="checkbox"/> Male: <input type="checkbox"/> |
| 1.6 Defendant: | <p>Name:</p> <p>Age: Adult: <input type="checkbox"/> Juvenile: <input type="checkbox"/></p> <p>Education: Incomplete Secondary Education <input type="checkbox"/> Secondary Education <input type="checkbox"/> Higher Education <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>Was the defendant present: Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Nationality:</p> <p style="padding-left: 20px;">Georgian: <input type="checkbox"/> Azeri: <input type="checkbox"/> Armenian: <input type="checkbox"/> Turkish: <input type="checkbox"/></p> <p style="padding-left: 20px;">Other: <input type="checkbox"/> - please specify:</p> <p>Religion:</p> <p style="padding-left: 20px;">Christian: <input type="checkbox"/> Muslim: <input type="checkbox"/> Atheist: <input type="checkbox"/> Agnostic: <input type="checkbox"/> Other: <input type="checkbox"/></p> <p>Unknown: <input type="checkbox"/></p> <p>Ethnicity:</p> <p style="padding-left: 20px;">Abkhazian: <input type="checkbox"/> Armenian: <input type="checkbox"/> Azeri: <input type="checkbox"/> Georgian: <input type="checkbox"/> Greek: <input type="checkbox"/> Kist: <input type="checkbox"/></p> <p style="padding-left: 20px;">Ossetian: <input type="checkbox"/> Turkish: <input type="checkbox"/> Roma: <input type="checkbox"/> Russian: <input type="checkbox"/> Ukrainian: <input type="checkbox"/> Yazidi: <input type="checkbox"/></p> <p style="padding-left: 20px;">Other: <input type="checkbox"/> - please specify:</p> <p>Unknown: <input type="checkbox"/></p> <p>Language:</p> <p style="padding-left: 20px;">Azeri: <input type="checkbox"/> Armenian: <input type="checkbox"/> Georgian: <input type="checkbox"/> Russian: <input type="checkbox"/> Turkish: <input type="checkbox"/></p> <p style="padding-left: 20px;">Other: <input type="checkbox"/> - please specify</p> <p>Sexual Orientation: Heterosexual: <input type="checkbox"/> Homosexual: <input type="checkbox"/> Bisexual: <input type="checkbox"/> Unknown: <input type="checkbox"/></p> <p>Disabilities: Yes: <input type="checkbox"/> None: <input type="checkbox"/></p> <p style="padding-left: 40px;">If yes, please specify: Psycho-social: <input type="checkbox"/> physical: <input type="checkbox"/></p> |
| 1.7 Defense counsel | <p>1.7 Was defense counsel present? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>1.7.1 Female: <input type="checkbox"/> Male: <input type="checkbox"/></p> <p>1.7.2. Appointed by the state? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>1.7.3. Required because of article charged? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>1.7.4 Private defense counsel? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>1.7.5 Is the defendant represented by multiple defense counsels?</p> |

| | |
|--|---|
| | Yes <input type="checkbox"/> No <input type="checkbox"/> 1.7.6 Does any defense counsel represent more than one defendant? Yes <input type="checkbox"/> No <input type="checkbox"/> 1.7.7 If yes, is there any conflict of interests between two or more defendants, represented by the same defense counsel? Yes <input type="checkbox"/> No <input type="checkbox"/> Other comments: |
| 1.8 Code article(s) involved | |
| 1.9 Charge: | Less grave crime <input type="checkbox"/> Grave crime <input type="checkbox"/> Especially grave crime <input type="checkbox"/> Gender related crime <input type="checkbox"/> Discrimination related crime <input type="checkbox"/> |
| | |
| 1.10 Political affiliation of defendant | United National Movement <input type="checkbox"/> Georgian Dream <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/> Other comments: |
| 1.11 Number and sex of defendants | Total: Male: Female: |
| 1.12 Appellant: | Defense <input type="checkbox"/> Prosecution <input type="checkbox"/> Both <input type="checkbox"/> 1.12.1 If appellant is defense, please indicate whether all defendants appealed or not? Yes <input type="checkbox"/> No <input type="checkbox"/> |
| | |
| 1.13 Timing | Did the hearing begin late? Yes <input type="checkbox"/> No <input type="checkbox"/> 1.13.1 If so why: Judge was late <input type="checkbox"/> Prosecutor was late <input type="checkbox"/> Defense counsel was late <input type="checkbox"/> Defendant was late <input type="checkbox"/> Continuation of other hearing in the courtroom <input type="checkbox"/> One of the parties was involved in other process <input type="checkbox"/> Other <input type="checkbox"/> Comments: |
| | 1.13.2 For how long was it delayed: _____ minutes (indicate, if it was delayed for more than 5 minutes) |

| 2. RIGHT TO A PUBLIC HEARING | |
|--|--|
| 2.1 Was a notice of the hearing posted outside the courtroom? | Yes <input type="checkbox"/> No <input type="checkbox"/> Other comments: |
| | |
| 2.2 Closed hearing | 2.2 Was the hearing closed? Yes <input type="checkbox"/> No <input type="checkbox"/> 2.2.1 How did the monitor learn that the hearing was closed? The judge made an announcement: <input type="checkbox"/> |
| | |
| | |

| | |
|---|---|
| | <input type="checkbox"/> Defense <input type="checkbox"/> Victim Other participants of the process (specify in the comment) <input type="checkbox"/> 3.3.2 If required, were the documents that were used in the court proceedings translated? Yes <input type="checkbox"/> No <input type="checkbox"/> Translation was not necessary <input type="checkbox"/> |
| 3.4 If required, were provisions made for disabilities? | Yes <input type="checkbox"/> No <input type="checkbox"/> Was not necessary <input type="checkbox"/> 3.4.1 If yes, was this for: Hearing <input type="checkbox"/> Vision <input type="checkbox"/> Other <input type="checkbox"/> Other comments: |
| 3.5 Did the Judge inform the defendant about his/her right to legal representation, and explain what this meant? | Yes <input type="checkbox"/> No <input type="checkbox"/> Other comments: |
| 3.6 Did the Judge inform the defendant about his/her right to self-defense, and explain what this meant? | Yes <input type="checkbox"/> No <input type="checkbox"/> Other comments: |
| 3.7 Did the Judge inform the defendant about his/her right to recuse the judge, and explain what this meant? | Yes <input type="checkbox"/> No <input type="checkbox"/> Other comments: |
| 3.8 Did the judge inform and explain to the defendant the right to file a complaint (suit) in cases of ill-treatment? | Yes <input type="checkbox"/> No <input type="checkbox"/> Other comments: |
| 3.9 Did the Judge ask the defendant whether he/she had any complaint for violation of his/her rights? | Yes <input type="checkbox"/> No <input type="checkbox"/> 3.9.1 If the defendant has any complaint, please indicate the complaint and reaction of the judge: |
| 3.10 Did the Judge inform the defendant that, notwithstanding his/her confession, he/she is not bound by that confession and has the right to remain silent? | Yes <input type="checkbox"/> No <input type="checkbox"/> Other comments: |
| 3.11 Did the judge comprehensively explain to the accused his/her rights? | 3.11.1 Yes <input type="checkbox"/> No <input type="checkbox"/> Comments: |
| 3.12 Were the explanations given clear, taking into account the defendant's characteristics (e.g. age, language skills, culture, or | Yes <input type="checkbox"/> No <input type="checkbox"/> comments: |

the existence of a disability)?

| 4. PREVENTIVE MEASURE | |
|----------------------------------|---|
| 4.1 Preventive measure | Bail <input type="checkbox"/> Imprisonment <input type="checkbox"/> Personal warranty <input type="checkbox"/> Written obligation of residence and due conduct <input type="checkbox"/> Command probation over military servant <input type="checkbox"/> none <input type="checkbox"/> Comment: 4.1.1 In case of bail, what was the amount (or equivalent property)? _____ 4.1.2 In case, what was the amount requested? By the prosecutor _____ By defense counsel _____ 4.1.3 was the bail amount substantiated? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, what was the substantiation based on? defendant's consent <input type="checkbox"/> other evidence <input type="checkbox"/> Comment: |
| 4.2 Request of complaint: | Change of preventive measure <input type="checkbox"/> Abolishment of preventive measure <input type="checkbox"/> 4.2.1 If a change of preventative measure was sought, what relief was sought by appellant? <input type="checkbox"/> Bail in lieu of imprisonment (please note amount of bail requested) <input type="checkbox"/> Imprisonment in lieu of bail <input type="checkbox"/> Reduction in bail (please note amount of bail requested) <input type="checkbox"/> Increase in bail (please note amount of bail requested) <input type="checkbox"/> Alternative preventative measure (please specify) |
| 4.3 Decision: | Complaint was granted <input type="checkbox"/> Complaint was partially granted <input type="checkbox"/> Complaint was not granted <input type="checkbox"/> |

| 5. INDEPENDENCE, IMPARTIALITY, BIAS, AND CONDUCT OF THE JUDGE | |
|---|--|
| 5.1 Did the judge use intimidation or take any other informal action against any of the parties? (e.g. switching off their microphone, or altering the transcript) | Yes <input type="checkbox"/> No <input type="checkbox"/> 5.1.1 If yes, please explain what: |
| 5.2 Did the judge give any instructions to either party? | Yes <input type="checkbox"/> No <input type="checkbox"/> 5.2.1 If yes, to which party? Prosecution <input type="checkbox"/> Defense <input type="checkbox"/> Both <input type="checkbox"/> 5.2.2 If yes, please explain what the instructions were: |

| | |
|---|---|
| | |
| <p>5.3 Was there anything to indicate that the judge was not listening properly?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>5.3.1 If yes, please explain what:</p> |
| <p>5.4 Did the judge make any comments about any of the parties, that suggested negative assumptions about them based on any discriminatory characteristic (such as gender, ethnicity, sexuality, etc)? This includes phrases that could be perceived as sexist, racist or homophobic.</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>5.4.1 If yes, what characteristic did the judge make a negative comment(s) about?</p> <p>Gender <input type="checkbox"/> Ethnicity <input type="checkbox"/> Nationality <input type="checkbox"/> Sexuality <input type="checkbox"/> Religion <input type="checkbox"/> Disability <input type="checkbox"/> Other <input type="checkbox"/></p> <p>5.4.2 If yes, please explain what the comment(s) were:</p> |
| <p>5.5 Other than anything noted above, was there anything to suggest that the judge was biased?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>5.5.1 If yes, please explain:</p> <p>5.5.2 If the judge had an interest in the case, what was it?</p> <p>Familial <input type="checkbox"/> Political <input type="checkbox"/> Financial <input type="checkbox"/> Other <input type="checkbox"/></p> <p>Comment:</p> |
| <p>5.6 Was there a request for recusal by either party?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>5.6.1 If yes, by which party?</p> <p>Prosecution <input type="checkbox"/> Defense <input type="checkbox"/> Both <input type="checkbox"/></p> <p>5.6.2 If yes, was the request granted?</p> |
| <p>5.7 Did a judge withdraw from a case by recusing himself/herself when this was necessary due to bias or a perception of bias?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> |

| 7. OTHER | |
|--|--|
| <p>7.1 Absence of defense counsel</p> | <p>7.1.1 Was counsel for the defense present?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>7.1.2 If defense counsel was not present, did legislation require a lawyer's presence at this stage of the proceedings?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> |

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|---|--|
| | <p>7.1.3 If defense counsel was not present, and legislation did not require it, was a lawyer's presence nevertheless still necessary? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>7.1.4 If yes, please explain why:</p> |
| <p>7.2 Preparedness and quality of prosecution</p> | <p>7.2.1 Was the prosecution prepared? Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/></p> <p>7.2.2 Did the prosecutor state strong arguments? Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/> Please support your opinion with specific examples:</p> <p>7.2.3 Did the prosecutor demonstrate knowledge of the facts of the case? Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/> Please support your opinion with specific examples:</p> <p>7.2.4 Did the prosecutor demonstrate knowledge of the law involved in the case? Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/> Please support your opinion with specific examples:</p> <p>7.2.5 Did the prosecutor communicate and co-ordinate well with the victim? Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> Please support your opinion with specific examples:</p> <p>7.2.6 Did the Prosecutor refer to a motive for committing a crime? Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> Give an example of the motive the Prosecutor emphasized on.</p> |
| <p>7.3 Preparedness and quality of defense</p> | <p>7.3.1 Was the defense prepared? Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/></p> <p>7.3.2 Did the defense state strong arguments? Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/> Please support your opinion with specific examples:</p> <p>7.3.3 Did counsel for the defense demonstrate knowledge the facts of the case? Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/> Please support your opinion with specific examples:</p> <p>7.3.4 Did counsel for the defense demonstrate knowledge of the law involved in the case? Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/> Please support your opinion with specific examples:</p> <p>7.3.5 Did counsel for the defense communicate and co-ordinate well with the defendant? Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> Please support your opinion with specific examples:</p> |
| <p>7.4 Technical problems</p> | <p>7.4.1 Were there any technical problems during the hearing? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please state the nature of technical problem: _____</p> |

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| | <p>7.4.2 Did anyone mention the problem? Yes <input type="checkbox"/> No <input type="checkbox"/> Comment:</p> <p>7.4.3 Please describe the judge's response:</p> <p>7.4.4 Was it possible for the disabled people to attend the court proceedings? Yes <input type="checkbox"/> No <input type="checkbox"/> If so, please provide details:</p> |
|--|---|

| 8. PROHIBITION AGAINST TORTURE AND RIGHTS DURING INTERROGATION | |
|--|--|
| 8.1 Did the defendant confess to the offense prior to the hearing? | Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> |
| 8.2 Was there anything to suggest that the accused was interrogated without a lawyer present? | Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> If yes, please explain: |
| 8.3 Was there anything to suggest that threats were made to coerce the accused into confessing to the alleged crime? | Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> If yes, please explain: |
| 8.4 Was there anything to suggest that violence or torture were used to coerce the accused into confessing to the alleged crime? | Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> If yes, please explain: |
| 8.5 Was there anything to suggest that there was any pressure put on the defendant, which exploited them because they were of a protected group (e.g. sexual harassment, or public shaming) | Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> If yes, please explain: |

| 9. OTHER COMMENTS REGARDING JUDGE, PROSECUTOR, DEFENDANT, DEFENSE COUNSEL OR PREVENTIVE MEASURE |
|---|
| |

MAIN TRIAL CHECKLIST – APPEAL

| 1. GENERAL INFORMATION | |
|-------------------------|--|
| 1.1 Date of Monitoring: | Duration of process: |
| 1.2 Court Monitor: | Female: <input type="checkbox"/> Male: <input type="checkbox"/> |
| 1.3 Court: | |
| 1.4 Judge: | Female: <input type="checkbox"/> Male: <input type="checkbox"/> |
| 1.5 Prosecutor: | Female: <input type="checkbox"/> Male: <input type="checkbox"/> |
| 1.6 Defendant: | <p>Name:</p> <p>Age: Adult: <input type="checkbox"/> Juvenile: <input type="checkbox"/></p> <p>Education: Incomplete Secondary Education <input type="checkbox"/> Secondary Education <input type="checkbox"/> Higher Education <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>Was the defendant present: Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Nationality: Georgian: <input type="checkbox"/> Azeri: <input type="checkbox"/> Armenian: <input type="checkbox"/> Turkish: <input type="checkbox"/> Other: <input type="checkbox"/> - please specify:</p> <p>Religion: Christian: <input type="checkbox"/> Muslim: <input type="checkbox"/> Atheist: <input type="checkbox"/> Agnostic: <input type="checkbox"/> Other: <input type="checkbox"/> Unknown: <input type="checkbox"/></p> <p>Ethnicity: Abkhazian: <input type="checkbox"/> Armenian: <input type="checkbox"/> Azeri: <input type="checkbox"/> Georgian: <input type="checkbox"/> Greek: <input type="checkbox"/> Kist: <input type="checkbox"/> Ossetian: <input type="checkbox"/> Turkish: <input type="checkbox"/> Roma: <input type="checkbox"/> Russian: <input type="checkbox"/> Ukrainian: <input type="checkbox"/> Yazidi: <input type="checkbox"/> Other: <input type="checkbox"/> - please specify: Unknown: <input type="checkbox"/></p> <p>Language: Azeri: <input type="checkbox"/> Armenian: <input type="checkbox"/> Georgian: <input type="checkbox"/> Russian: <input type="checkbox"/> Turkish: <input type="checkbox"/> Other: <input type="checkbox"/> - please specify</p> <p>Sexual Orientation: Heterosexual: <input type="checkbox"/> Homosexual: <input type="checkbox"/> Bisexual: <input type="checkbox"/> Unknown: <input type="checkbox"/></p> <p>Disabilities: Yes: <input type="checkbox"/> None: <input type="checkbox"/> If yes, please specify: Psycho-social: <input type="checkbox"/> physical: <input type="checkbox"/></p> |
| 1.7 Defense counsel | <p>1.7 Was defense counsel present? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>1.7.1 Female: <input type="checkbox"/> Male: <input type="checkbox"/></p> <p>1.7.2. Appointed by the state? Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>1.7.3. Required because of article charged? Yes <input type="checkbox"/> No <input type="checkbox"/></p> |

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|---|--|
| | <p>1.7.4 Private defense counsel? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>1.7.5 Is the defendant represented by multiple defense counsels?</p> <p>1.7.6 Does any defense counsel represent more than one defendant? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>1.7.7 If yes, is there any conflict of interests between two or more defendants, represented by the same defense counsel? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Other comments:</p> |
| 1.8 Code article(s) involved | |
| 1.9 Charge: | <p>Less grave crime <input type="checkbox"/> Grave crime <input type="checkbox"/> Especially grave crime <input type="checkbox"/></p> <p>Gender related crime <input type="checkbox"/> Discrimination related crime <input type="checkbox"/></p> <p>Specify:</p> |
| 1.10 Political affiliation of defendant | <p>United National Movement <input type="checkbox"/> Georgian Dream <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>Other comments:</p> |
| 1.11 Was the charge changed after the defendant's first appearance before the court? | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>1.11.1 If yes, did the Judge state the changed charge(s) (articles, range and type of possible sentence)? Yes <input type="checkbox"/> No <input type="checkbox"/></p> |
| 1.12 Number and sex of convicted/acquitted persons | <p>Total:</p> <p>Male:</p> <p>Female:</p> |
| 1.13 Appellant: | <p>Defense <input type="checkbox"/> Prosecution <input type="checkbox"/> Both <input type="checkbox"/></p> <p>1.13.1 If appellant is defense, please indicate whether all defendants appealed or not? Yes <input type="checkbox"/> No <input type="checkbox"/></p> |
| 1.14 Timing | <p>Did the hearing begin late? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>1.14.1 If so why: Judge was late <input type="checkbox"/> Prosecutor was late <input type="checkbox"/> Defense counsel was late <input type="checkbox"/> Defendant was late <input type="checkbox"/> Continuation of other hearing in the courtroom <input type="checkbox"/> One of the parties was involved in other process <input type="checkbox"/> Other <input type="checkbox"/></p> <p>Comments:</p> <p>1.14.2 For how long was it delayed: _____</p> |

| 2. RIGHT TO A PUBLIC HEARING | |
|--|--|
| 2.1 Was a notice of the hearing posted outside the courtroom? | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Other comments:</p> |
| 2.2 Closed hearing | <p>2.2 Was the hearing closed? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>2.2.1 How did the monitor learn that the hearing was closed?</p> <p>The judge made an announcement: <input type="checkbox"/></p> <p>It was indicated by the court guard: <input type="checkbox"/></p> |

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| | <p>3.4.1 Whom was the interpreter needed for? <input type="checkbox"/> Defense <input type="checkbox"/> Victim</p> <p>Other comments:</p> <p>3.4.2 If required, were the documents that were used in the court proceedings translated? Yes <input type="checkbox"/> No <input type="checkbox"/> Translation was not necessary <input type="checkbox"/></p> |
| <p>3.5 If required, were provisions made for disabilities?</p> | <p>3.5 Yes <input type="checkbox"/> No <input type="checkbox"/> Was not necessary <input type="checkbox"/></p> <p>Other comments:</p> <p>3.5.1 If yes, for: Hearing <input type="checkbox"/> Vision <input type="checkbox"/> Other <input type="checkbox"/></p> <p>Other comments:</p> |
| <p>3.6 Did the Judge inform the defendant about his/her right to legal representation, and explain what this meant?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Other comments:</p> |
| <p>3.7 Did the Judge inform the defendant about his/her right to self-defense, and explain what this meant?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Other comments:</p> |
| <p>3.8 Did the Judge inform the defendant about his/her right to not to answer questions, and explain what this meant?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Other comments:</p> |
| <p>3.9 Did the Judge inform the defendant about his/her right to recuse the judge, and explain what this meant?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Other comments:</p> |
| <p>3.10 Did the Judge inform and explain to the defendant that notwithstanding his/her confession, he/she is not bound by that confession and has the right to remain silent?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Other comments:</p> |
| <p>3.11 Did the judge comprehensively explain to the accused his/her rights?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Other Comments:</p> |
| <p>3.12 Were the explanations given clear, taking into account the defendant's characteristics (e.g. age, language skills, culture, or the existence of a disability)?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Other comments:</p> |

| 4. POSTPONEMENTS AND DELAYS | |
|---|---|
| 4.1 Was the hearing ever postponed or delayed? | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| 4.2 Is the reasons for postponement/ delay known? (check all that apply) | Yes <input type="checkbox"/> No <input type="checkbox"/> 4.2.1 If yes, what was the reason? Absence of Prosecution Witness(es) <input type="checkbox"/> Days delay _____ Absence of Prosecutor(s) <input type="checkbox"/> Days delay _____ Absence of Defense Attorney(s) (specify if Public Defender or Private Defense Attorney) <input type="checkbox"/> Days delay _____ Appointment of Public Defender <input type="checkbox"/> Days delay _____ Absence of Defendant(s) <input type="checkbox"/> Days delay _____ Absence of Defense Witness(es) <input type="checkbox"/> Days delay _____ Absence of Interpreter <input type="checkbox"/> Days delay _____ Change Crime Qualification <input type="checkbox"/> Days delay _____ Merge Cases Involving the Same Defendant <input type="checkbox"/> Days delay _____ Negotiation of Plea Agreement <input type="checkbox"/> Days delay _____ Preparation for Examination of Evidence <input type="checkbox"/> Days delay _____ Need for Newly-appointed Defense Attorney to Examine Case Material <input type="checkbox"/> Days delay _____ Need for Expert's Conclusion <input type="checkbox"/> Days delay _____ Preparation for Final Argument <input type="checkbox"/> Days delay _____ Other (specify) <input type="checkbox"/> Days delay _____ |

| 5. GROUNDS FOR APPEAL | |
|--|---|
| 5.1 What was the ground for appeal? | 5.1.1 Please specify: 5.1.2 Where the grounds were the verdict, was the appeal based on: Substantiation of verdict <input type="checkbox"/> Legality of verdict <input type="checkbox"/> 5.1.3 Was the ground for appeal related to possible discrimination against a defendant/victim/witness, based on their characteristics (e.g. gender, ethnicity, religion or sexuality)? Yes <input type="checkbox"/> No <input type="checkbox"/> 5.1.4 If yes, please outline how: |
| 5.2 Was the defendant(s) convicted in the court of first instance without his/her/their attendance? | Yes <input type="checkbox"/> No <input type="checkbox"/> |

| | |
|---|---|
| 5.3 If possible, shortly describe the opening statements of parties: | Please specify: 5.3.1 In case of guilty verdict, please set out the charge under which defendant was convicted: _____; and the penalty: _____ 5.3.2 In case of not guilty verdict: Charge from what defendant was acquitted and grounds of decision |
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| 6. RESPONSE |
|--------------------|

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|---|---|
| 6.1 Did an opposing party file a response to the appeal? | Yes <input type="checkbox"/> No <input type="checkbox"/> 6.1.1 If yes, indicate the position stated in response: 6.1.2 If yes, was the response filed by the party opposing the appeal related to any characteristics of the defendant/victim/witness, which could be considered to be discriminatory (e.g. gender, ethnicity, religion, language or sexuality)? Yes <input type="checkbox"/> No <input type="checkbox"/> 6.1.3 If yes, please outline how: |
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| 7. MOTIONS FILED BY PROSECUTION |
|--|

| | |
|---|---|
| 7.1 How many motions did the prosecution file? | 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> |
| 7.2 Please indicate the content of the motion, position of the other parties, and grounds for Judge's decision (providing as detailed information as possible) In case of several motions, please number | Content of the motion and grounds for Judge's decision: 7.2.1 Was the motion granted? Yes <input type="checkbox"/> No <input type="checkbox"/> 7.2.2 Please provide the grounds for the judge's decision: 7.2.3 Did the defense object? Yes <input type="checkbox"/> No <input type="checkbox"/> Comment: |

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|------------------------------------|
| 8. MOTIONS FILED BY DEFENSE |
|------------------------------------|

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|---|--|
| 8.1 How many motions did the defense counsel file? | 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> |
| 8.2 Please indicate the content of the motion, position of the other parties, and grounds for Judge's decision (providing as detailed information as possible) In case of several motions, please number | 8.2.1 Was the motion granted? Yes <input type="checkbox"/> No <input type="checkbox"/> Content of the motion and grounds for Judge's decision: 8.2.2 Did the prosecutor object? Yes <input type="checkbox"/> No <input type="checkbox"/> Comment: |

| 9. NEW EVIDENCE | |
|---|--|
| <p>9.1 Did the prosecution present any new evidence at the appeal?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>9.1.1 If yes, please indicate whether it was:</p> <p>Witness Testimony <input type="checkbox"/></p> <p>Physical Objects: <input type="checkbox"/></p> <p>Documents: <input type="checkbox"/></p> <p>Confessions: <input type="checkbox"/></p> <p>Evidence of previous convictions: <input type="checkbox"/></p> <p>Other <input type="checkbox"/></p> <p>Expert Witnesses <input type="checkbox"/></p> <p>9.1.2 Number of Witnesses (not including expert witnesses):</p> <p>9.1.3 Number of Expert Witnesses:</p> <p>9.1.4 If new evidence was produced by the prosecution, was it related to any discriminatory characteristics of a defendant/victim/witness (e.g. their gender, ethnicity or sexuality)? If so, please explain why:</p> <p>Comment:</p> |
| <p>9.2 In regard to the prosecution's examination of any witnesses, was there anything to suggest that the testimony presented by a witness at the appeal constituted hearsay?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/> Unable to judge <input type="checkbox"/></p> <p>9.2.1 If yes, was the hearsay supported by other evidence?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Please provide further details:</p> |
| <p>9.3 Did the defense present any new evidence at the appeal?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>9.3.1 If yes, please indicate whether it was:</p> <p>Witness Testimony <input type="checkbox"/></p> <p>Physical Objects: <input type="checkbox"/></p> <p>Documents: <input type="checkbox"/></p> <p>Confessions: <input type="checkbox"/></p> <p>Evidence of previous convictions: <input type="checkbox"/></p> <p>Other <input type="checkbox"/></p> <p>Expert Witnesses <input type="checkbox"/></p> |

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| | <p>9.3.2 Number of Witnesses (not including expert witnesses):</p> <p>9.3.3 Number of Expert Witnesses:</p> <p>9.3.4 If new evidence was produced by the defence, was it related to any discriminatory characteristics of a defendant/victim/witness (e.g. their gender, ethnicity or sexuality)? If so, please explain why:</p> <p>Comment:</p> |
| <p>9.4 In regard to the defence's examination of any witnesses, was there anything to suggest that the testimony presented by a witness at the appeal constituted hearsay?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/> Unable to judge <input type="checkbox"/></p> <p>9.4.1 If yes, was the hearsay supported by other evidence?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Please provide further details:</p> |

| 10. RIGHT TO CALL AND EXAMINE WITNESSES | |
|--|---|
| <p>10.1 Was a witness questioned during the hearing?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>10.1.1 If yes, were the witnesses present in the courtroom before they were questioned?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> |
| <p>10.2 Was there anything to suggest that any party was not given the opportunity to call one or more witnesses?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>10.2.1 If yes, which party?</p> <p>Prosecution <input type="checkbox"/> Defense <input type="checkbox"/> Both <input type="checkbox"/></p> <p>Comment:</p> |
| <p>10.3 Victim/Witness protection</p> | <p>10.3.1 Did the court take any measures to avoid the secondary traumatization/victimization of a victim/witness?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>10.3.2 If yes, what was the measure taken?</p> <p>a) Allowing witness testimony over a video link or skype <input type="checkbox"/></p> <p>b) Placing a screen between the witness and the defendant <input type="checkbox"/></p> <p>c) Distorting the witness' voice <input type="checkbox"/></p> <p>d) Protecting the witness' address <input type="checkbox"/></p> <p>e) Protecting the witness' identity/using pseudonyms, etc. <input type="checkbox"/></p> <p>10.3.3 If yes, who proposed such a measure?</p> <p>Judge <input type="checkbox"/> Prosecution <input type="checkbox"/> Defense <input type="checkbox"/></p> <p>10.3.4 Were any other measures applied to protect a victim/witness?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>10.3.5 If so, what?</p> |

| | |
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| <p>11.7 Was there a request for recusal by either party?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>11.7.1 If yes, by which party? Prosecution <input type="checkbox"/> Defence <input type="checkbox"/> Both <input type="checkbox"/></p> <p>11.7.2 If yes, was the request granted?</p> |
| <p>11.8 Did a judge withdraw from a case by recusing himself/herself when this was necessary due to bias or a perception of bias?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Comments:</p> |

| <p>12. EQUALITY OF ARMS</p> | |
|--|--|
| <p>12.1 Was there anything to suggest that there was a substantial problem in the collection of evidence by any of the parties?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>12.1.1 If yes, which party? Prosecution <input type="checkbox"/> Defence <input type="checkbox"/> Both <input type="checkbox"/></p> <p>Comment:</p> |
| <p>12.2 Was there anything to suggest that any party was <i>not</i> given the opportunity to present any evidence?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>12.2.1 If yes, which party? Prosecution <input type="checkbox"/> Defence <input type="checkbox"/> Both <input type="checkbox"/></p> <p>Comment:</p> |
| <p>12.3 Was there anything to suggest that any party was <i>not</i> given the opportunity to question any witness?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>12.3.1 If yes, which party? Prosecution <input type="checkbox"/> Defence <input type="checkbox"/> Both <input type="checkbox"/></p> <p>Comment:</p> |
| <p>12.4 Was there anything to suggest that the same evidence was <i>not</i> available to both parties?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>12.4.1 If yes, which party? Prosecution <input type="checkbox"/> Defence <input type="checkbox"/> Both <input type="checkbox"/></p> <p>Comment:</p> |
| <p>12.5 Did the Judge interrupt the witness of any party?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>12.5.1 If yes, which party? Prosecution <input type="checkbox"/> Defence <input type="checkbox"/> Both <input type="checkbox"/></p> <p>Comment:</p> |
| <p>12.6 Was there anything to</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/></p> |

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| <p>suggest that the evidence given by any member of the protected groups was given less weight than the evidence from other persons?</p> | <p>Comment:</p> |
|--|-----------------|

| 13. PROHIBITION AGAINST TORTURE AND RIGHTS DURING INTERROGATION | |
|--|---|
| <p>13.1 Did the defendant confess to the offense prior to the hearing?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/></p> |
| <p>13.2 Was there anything to suggest that the accused was interrogated without a lawyer present?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>If yes, please explain:</p> |
| <p>13.3 Was there anything to suggest that threats were made to coerce the accused into confessing to the alleged crime?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>If yes, please explain:</p> |
| <p>13.4 Was there anything to suggest that violence or torture were used to coerce the accused into confessing to the alleged crime?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>If yes, please explain:</p> |
| <p>13.5 Was there anything to suggest that there was any pressure put on the defendant in relation to the plea, which exploited them because they represented a protected group (e.g. sexual harassment, or public shaming)</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>If yes, please explain:</p> |
| <p>13.6 Was there anything to suggest that violence or torture were used to coerce any witness into giving certain evidence?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>If yes, please explain:</p> |
| <p>13.7 Was there anything to suggest that there was any pressure put on any witness, which exploited them because they represented a protected group (e.g. sexual harassment, or public shaming)</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>If yes, please explain:</p> |

| 14. RIGHT TO SPEAK WITH A LAWYER AND TO ADEQUATE TIME AND FACILITIES TO PREPARE A DEFENSE | |
|--|---|
| 14.1 Was the issue of adequate time and facilities for preparation raised by the defense or defendant? | Yes <input type="checkbox"/> No <input type="checkbox"/> 14.1.2 If yes, please explain: 14.1.3 What was the decision of the judge if the issue is raised? |

| 15. VERDICT | |
|---|--|
| 15.1 Was a verdict delivered on the day of the hearing? | Yes <input type="checkbox"/> No <input type="checkbox"/> 15.1.1 If yes, what time did the hearing conclude: _____ Time for deliberation: 15.1.2 If no, was the date that the verdict would be delivered announced during the hearing? Yes <input type="checkbox"/> No <input type="checkbox"/> |
| 15.2 Date of verdict: | |
| 15.3 Was the verdict announced in public? | Yes <input type="checkbox"/> No <input type="checkbox"/> If no, please comment: |
| 15.4 Verdict type: | The appeal court: Overruled the judgment of conviction of the first instance court and rendered a judgment of acquittal instead <input type="checkbox"/> Overruled the judgment of acquittal of the first instance court and rendered a judgment of conviction instead <input type="checkbox"/> Left the judgment of conviction of the first instance court unchanged and rejected the appellant's complaint <input type="checkbox"/> Left the judgment of acquittal of the first instance court unchanged and rejected the appellant's complaint <input type="checkbox"/> Made changes to the judgment of the first instance court <input type="checkbox"/> 15.4.1 In the case of making changes, what changes were made? |
| 15.5 Did the Judge refer to the applicable law when announcing the verdict? | Yes <input type="checkbox"/> No <input type="checkbox"/> Comment: |
| 15.6 If a guilty verdict, did the judge inform and explain the right and procedure of appeal? | Yes <input type="checkbox"/> No <input type="checkbox"/> Comment: |
| 15.7 Did Defense demand acquittal? | Yes <input type="checkbox"/> No <input type="checkbox"/> If no, the type of sentence demanded: |
| 15.8 Scope of examining complaint | 15.8 Was the verdict of the appeal court more severe for the charged person, than the one delivered by the court of the first instance? Yes <input type="checkbox"/> No <input type="checkbox"/> |

| | |
|---|---|
| | <p>15.8.1 If yes, by which party was the appeal filed? Defense <input type="checkbox"/> Prosecution <input type="checkbox"/> Both <input type="checkbox"/></p> <p>15.8.2 In case if the appeal was filed by the prosecution or by both parties, did the prosecution maintain a similar position than the one taken before the first instance court? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Please indicate all the relevant circumstances:</p> |
| <p>15.9 Did examination of evidence go beyond the scope of the appeal and the response?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, describe all the relevant circumstances:</p> |
| <p>15.10 During or after the verdict, did anyone refer to the fact that the defendant belonged to a group with a protected characteristic (e.g. their gender, ethnicity, religion, sexuality)?</p> <p>15.11 Did the Judge emphasize on the motive for committing a crime?</p> | <p>Not applicable because the defendant did not have a protected characteristic <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>15.10.1 If yes, who referred to this? Prosecution <input type="checkbox"/> Defence <input type="checkbox"/> Judge <input type="checkbox"/></p> <p>15.10.2 If yes, was there any suggestion that this was done in a discriminatory way? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>15.10.3 Please provide a description of the comment:</p> <p>15.11 Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>Give an example of the motive the Judge emphasized on</p> |

| 16. SENTENCE | |
|--|---|
| <p>16.1 Type of sentence:</p> | <p>Unknown <input type="checkbox"/> Fine <input type="checkbox"/> Deprivation of the right to occupy a position or pursue a particular activity <input type="checkbox"/> Community sanction <input type="checkbox"/> Corrective labour <input type="checkbox"/> Professional restriction of a military servant <input type="checkbox"/> Restriction of freedom <input type="checkbox"/> Imprisonment for a specific term <input type="checkbox"/> Life imprisonment <input type="checkbox"/> Deprivation of property <input type="checkbox"/> Restricting the rights in relation to the weapon <input type="checkbox"/> House Arrest <input type="checkbox"/></p> <p>16.1.1 Please specify the length of the sentence:</p> |
| <p>16.2 If the sentence was of imprisonment, was detention of the defendant(s) to date taken into account?</p> | <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> |

| | |
|---|--|
| 16.3 Was the sentence affected by any protected characteristic of the defendant or the victim (such as gender, ethnicity, religion, sexuality, etc), and/or was there any discrimination involved in the sentence? | Yes <input type="checkbox"/> No <input type="checkbox"/> 16.3.1 If yes, did this aggravate or mitigate the sentence? Aggravate <input type="checkbox"/> Mitigate <input type="checkbox"/> 16.3.2. If yes, please provide details: |
|---|--|

| 17. OTHER | |
|---|--|
| 17.1 Absence of defense counsel | 17.1.1 Was counsel for the defence present? Yes <input type="checkbox"/> No <input type="checkbox"/> 17.1.2 If defense counsel was not present, did legislation require a lawyer's presence at this stage of the proceedings? Yes <input type="checkbox"/> No <input type="checkbox"/> 17.1.3 If defense counsel was not present, and legislation did not require it, was a lawyer's presence nevertheless still necessary? Yes <input type="checkbox"/> No <input type="checkbox"/> 17.1.4 If yes, please explain why: |
| 17.2 Preparedness and quality of prosecution | 17.2.1 Was the prosecution prepared? Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/> 17.2.2 Did the prosecutor state strong arguments? Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/> Please support your opinion with specific examples: 17.2.3 Did the prosecutor demonstrate knowledge of the facts of the case? Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/> Please support your opinion with specific examples: 17.2.4 Did the prosecutor demonstrate knowledge of the law involved in the case? Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/> Please support your opinion with specific examples: 17.2.5 Did the prosecutor communicate and co-ordinate well with the victim? Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> Please support your opinion with specific examples: |
| 17.3 Preparedness and quality of defense | 17.3.1 Was the defense prepared? |

| | |
|---------------------------------------|--|
| | <p>Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/></p> <p>17.3.2 Did the defense state strong arguments?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/></p> <p>Please support your opinion with specific examples:</p> <p>17.3.3 Did counsel for the defense demonstrate knowledge the facts of the case?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/></p> <p>Please support your opinion with specific examples:</p> <p>17.3.4 Did counsel for the defense demonstrate knowledge of the law involved in the case?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> To a moderate extent <input type="checkbox"/></p> <p>Please support your opinion with specific examples:</p> <p>17.3.5 Did counsel for the defense communicate and co-ordinate well with the defendant?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/></p> <p>Please support your opinion with specific examples</p> |
| <p>17.4 Technical problems</p> | <p>17.4.1 Were there any technical problems during the hearing?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, please state the nature of technical problem: _____</p> <p>17.4.2 Did anyone mention the problem?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Comment:</p> <p>17.4.3 Please describe the judge's response:</p> <p>17.4.4 Was it possible for the disabled people to attend the court proceedings?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If so, please provide details</p> |

18. OTHER COMMENTS REGARDING JUDGE, PROSECUTOR, DEFENDANT, DEFENSE COUNSEL OR THE HEARING